

No. 10450

United States
Circuit Court of Appeals
For the Ninth Circuit.

HARRY BRIDGES,

Appellant,

vs.

**I. F. WIXON, as District Director, Immigration
and Naturalization Service, Department of
Justice,**

Appellee.

Transcript of Record

VOLUME XI

Pages 4773 to 5283

**Upon Appeal from the District Court of the United States
for the Northern District of California,
Northern Division**



Court Room 276,
Federal Building,
San Francisco, California,
May 19, 1941

Met, pursuant to adjournment, at 10:00 A.M.

[4276]

PROCEEDINGS

Presiding Inspector: Call back the witness, Schmidt.

First of all, I have a letter from Mr. Hynes, in response to his promise, as to the date of the leave of absence from the Department, according to the records.

Would you like to see it?

Mr. Gladstein: Yes.

(The letter referred to was handed to Mr. Gladstein who, in turn, passed it to Mr. Del Guercio.)

Presiding Inspector: You may introduce it.

Mr. Gladstein: We now offer in evidence a letter received by Judge Sears from William F. Hynes, which was in response to a request which we made before he left for a statement concerning the dates of his leave of absence from the Los Angeles Police Department.

Presiding Inspector: Received without objection.

(The letter referred to was received in evidence and marked Alien's Exhibit No. 22.)

Presiding Inspector: Before we go on, Mr. Glad-

stein, I ruled on Friday, I think it was, that the question of whether Mr. Holman did, during the time he was President of the Union, receive money from the shipowners was not competent. I still think the fact itself is of no importance in this proceeding, but it may have a bearing upon something which didn't occur to me at the moment—perhaps you made the point but at any rate [4277] it didn't occur to me—and that is, simply on the probability of the Albion Hall group having the suspicions which Mr. Schmidt has testified to. Therefore, I am going to reverse the ruling and allow you to show that.

Mr. Gladstein: I will do that after counsel finishes.

Presiding Inspector: You understand the point?

Mr. Gladstein: I do.

Presiding Inspector: Merely bearing on the probability of their having suspicions.

Mr. Del Guercio: Before we proceed, your Honor, may we ask the Court whether or not Mr. MacMickle has submitted his diplomas to you?

Presiding Inspector: I have received none.

Mr. Del Guercio: Very well.

HENRY A. SCHMIDT

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Cross Examination (resumed)

By Mr. Del Guercio:

Q. You testified last week that you had never

(Testimony of Henry A. Schmidt.)

spoken at any time, any place, under the auspices of the Young Communist League, is that correct?

A. That is right.

Q. And that you didn't know where Franklin Hall was in San Francisco? [4278]

Mr. Gladstein: That is not correct. That is a misstatement of the evidence. As I recall it, the witness testified he did know where Franklin Hall was.

Mr. Del Guercio: If your Honor please, on page 4215 of the transcript this question appears:

"Q. Did you speak, Mr. Schmidt, at Franklin Hall on August 8, 1937?

"A. Franklin Hall? Where is that?

"Q. San Francisco.

"A. I can't place the location of that in my mind at all, Franklin Hall."

Mr. Gladstein: Is that all the testimony on that?

Mr. Del Guercio: On that point.

By Mr. Del Guercio:

Q. Now, for the purpose of refreshing your recollection, Mr. Schmidt—

Mr. Gladstein: (Interposing) If you want to show him a document would you show it to counsel first?

Mr. Del Guercio: I don't know as I have to show it to you when it is offered for the purpose of refreshing the witness' recollection.

Presiding Inspector: If you are going to show it to him; yes.

(Testimony of Henry A. Schmidt.)

(The document referred to was passed to Mr. Gladstein.) [4279]

By Mr. Del Guercio:

Q. I will show you a pamphlet here headed "A Story of Jim and Joe", on the back of which appears this "Hear Henry Schmidt, President of ILA 38-79, Archie Brown, Young Communist League, San Francisco Central Labor Council, and Youth Leaders of all views discuss Young Labor on the March, Wednesday, September 8, at Franklin Hall, 1859 Fillmore, admission 20 cents, see 'Road to Life,' Soviet movie of homeless youth. Join the Young Communist League of San Francisco, 121 Haight Street, San Francisco."

Does that refresh your memory any?

Mr. Gladstein: I will object to that question on this ground: That purports, if it is a correct copy, to announce a scheduled speaker, apparently, and is not in line with the question which was asked, which was whether Mr. Schmidt had ever spoken at any such meeting.

Presiding Inspector: Oh, I will allow it. Yes or no, does it refresh your recollection?

A. It refreshes my recollection but I didn't speak there.

By Mr. Del Guercio:

Q. You were advertised as a speaker at that place, were you not?

Mr. Gladstein: I will object to that as incom-

(Testimony of Henry A. Schmidt.)

petent, irrelevant and immaterial and calling for the conclusion of the witness. [4280]

Presiding Inspector: I will take it. He is your witness. This is cross examination.

Mr. Gladstein: Even if it is, how would he know whether—

Presiding Inspector: (Interposing) I will take it. If he doesn't know he can say so.

A. You asked me if I was advertised as a speaker?

By Mr. Del Guercio:

Q. Yes. A. Oh, yes; I recall that.

Q. You recall that?

A. Yes, but I didn't speak.

Q. Now, for the further purpose of refreshing your recollection, Mr. Schmidt, I will show you a copy of the Western Worker for Thursday, September 2, 1937, and particularly to an article appearing on the bottom of page 8 reading as follows:

“Union leaders to speak at labor rally planned by San Francisco YCL. Prominent trade unionists will be featured at a labor rally sponsored by the Young Communist League for September 8 at Franklin Hall, 1859 Franklin Street. Speakers will be Henry Schmidt, President of Longshoremen 38-79; Jerry Callahan, President of Filling Station Employees Union; Pauline Gordon, organizer of the Cannery & Preserve Workers, and Archie Brown of the Ship Sealers. The movie ‘Road to Life’ will be shown.”

(Testimony of Henry A. Schmidt.)

Does that further refresh your recollection?

[4281]

Mr. Gladstein: I object to the form of the question as to whether it further refreshes his recollection. It is still merely an announcement to the effect that Mr. Schmidt was scheduled to be a speaker.

Mr. Del Guercio: If the Court please, I object to counsel suggesting the answer to the witness.

Mr. Gladstein: I am not suggesting the answer.

Presiding Inspector: He has already stated he was advertised, has he not?

Mr. Gladstein: That is right, your Honor.

Presiding Inspector: Now, what does this add? I don't see that it adds anything.

By Mr. Del Guercio:

Q. Well, now, is your testimony still that you did not speak at that rally on that day?

A. Yes, sir; I know I didn't speak.

Q. How did it happen that you did not?

A. Well, I just didn't speak; I was too busy; I was very busy at that particular time.

Q. Well, did you notify the Young Communist League that you could not appear?

A. I doubt it very much.

Q. Huh? Telephone them?

A. I doubt that very much. [4282]

Q. Well, what is your best recollection on that?

A. There was a—

Q. (Interposing) Did you communicate with

(Testimony of Henry A. Schmidt.)

the Young Communist League in any manner whatever as to your appearance there?

A. I doubt whether I communicated at all.

Presiding Inspector: Wouldn't it be more material as to whether he had agreed to speak?

By Mr. Del Guercio:

Q. Well, did you agree to speak there as announced? A. No, sir.

Q. Did you call this advertisement or article to their attention?

A. I may have done that, but my recollection is very vague. There was a blockade on the waterfront at that time and I was on the job about 14, 16 hours a day.

Q. Well, look, I will give you all the time you want to refresh your memory and have a good recollection.

Mr. Gladstein: I object to that statement.

By Mr. Del Guercio:

Q. Did you notify—

Mr. Gladstein: (Interposing) I object to that statement and move it be stricken.

Presiding Inspector: I think it is improper.

Mr. Gladstein: I think counsel should be admonished. [4283]

Presiding Inspector: Go ahead.

By Mr. Del Guercio:

Q. Did you notify—

Presiding Inspector: (Interposing). I won't admonish him.

(Testimony of Henry A. Schmidt.)

A. I don't think so, but I may have. I don't know. There were—as I said, there was this blockade on the waterfront. It was necessary for me to get up about 5:00 o'clock every morning.

By Mr. Del Guercio:

Q. Now, you also testified that you had only been to 121 Haight Street twice, once at a New Year's party, and the other time to hear Anita Whitney speak; is that correct?

A. That was my testimony and that is correct.

Q. Now, you have never been there at any other time?

A. No, sir.

Q. Now, didn't you go to 121 Haight Street in the early part of 1936 to get a mimeograph machine which was being used by the Communist Party at that time?

A. Did I go there to get a mimeograph machine?

Q. Yes.

A. No, sir.

Q. You are sure of that?

A. I am sure of it. [4284]

Presiding Inspector: One more question about this Young Communist meeting: Have you any idea how they happened to advertise you as a speaker?

The Witness: No, your Honor; I don't know. First, I saw placards on telephone posts down around the waterfront. In fact, I remember having, not exactly a hot argument about it, but accusations by Joe Casey, who was International Representative of the Teamsters Union at that time. He proceeded to bawl me out for having my name

(Testimony of Henry A. Schmidt.)

advertised as going to be a speaker there. I said, "Well, Joe, you need not worry because I am not going to speak there."

Presiding Inspector: Then it wasn't your business that made you not speak, but because you didn't like the meeting? Answer that question.

The Witness: I am sorry, but it wasn't asked of me.

Presiding Inspector: But you have given the answer that you were too busy to speak.

The Witness: That was one of the reasons. I certainly was busy. There was a terrific blockade on the waterfront, and we were trying to get out of a mess down there. I had no intention to speak there anyway.

By Mr. Del Guercio:

Q. Were you ever on the speaker's stand at 121 Haight Street with Elaine Black? A. No.

Q. For the purpose of refreshing your recollection, Mr. [4285] Schmidt, I will show you a copy of the Western Worker for Monday, May 21, 1934, and to two articles, one appearing on the front page under the heading—

Mr. Gladstein: (Interposing) Before you continue, could we see the articles that you intend to ask the witness about?

Mr. Del Guercio: I showed you both articles.

Mr. Gladstein: You did not.

Mr. Del Guercio: One on page 1 and one on page 5—page 4.

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: You didn't say anything about that one.

Presiding Inspector: Let's not argue. Look at it now.

Matters of that kind don't call for angry statements, Mr. Gladstein.

Mr. Gladstein: Counsel said——

Mr. Del Guercio: (Interposing) The first article is on page 1.

Presiding Inspector: There may be misunderstanding passing over the table.

By Mr. Del Guercio:

Q. I want to withdraw that last question and put this question to the witness:——

Presiding Inspector: Let's wait until Mr. Gladstein has examined the newspaper.

Mr. Grossman: Is there something on page 5?

Mr. Del Guercio: Page 4. [4286]

Mr. Grossman: Page 5, I said.

Mr. Del Guercio: 4.

By Mr. Del Guercio:

Q. Were you ever on the speaker's stand at any time, any place, with Elaine Black?

A. That might be possible, but I wouldn't recollect.

Q. Well, when?

A. I have no remembrance.

Q. During 1934, were you on the speakers' stand at any time, at any place, with Elaine Black?

A. Well, as I testified yesterday, she spoke to our Strike Committee one time, and we had sort

(Testimony of Henry A. Schmidt.)

of a high place there where she addressed the Strike Committee, but I was sitting in the audience facing her.

Q. Where was that?

A. On Steuart Street, at the headquarters on the waterfront.

Q. Did you ever hear Elaine Black speak anywhere else during the 1934 strike?

A. Yes, sir. She spoke in California Hall; some time during the strike, after the Police Department beat up a lot of people on the waterfront, during the end of May, they had sort of a protest meeting in California Hall.

Q. Were you on the speaker's stand?

A. Yes, I think I did speak there. [4287]

Q. Were you ever on the speaker's stand with Elaine Black at the Civic Center in May 1934?

A. I don't understand what you mean, "speaker's stand at the Civic Center."

Q. Was there a rally, or a meeting at the Civic Center during the 1934 strike?

A. Some time during the 1934 strike we organized a parade of strikers which proceeded up Market Street and they gathered on the green there, and there were speeches made from the bed of a truck. I am pretty sure I spoke. Whether Elaine Black spoke or not, I don't remember.

By Mr. Del Guercio:

Q. I don't know as I have offered those other two documents in evidence. The other reporter has them.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: Very well. There is no objection to their being received?

Mr. Gladstein: What is that?

Mr. Del Guercio: That yellow pamphlet.

Mr. Grossman: Certainly we object. They haven't been identified by any witness as having been circulated.

Mr. Del Guercio: The witness said hundreds of them were around town.

The Witness: Not those yellow things. I didn't say that.

Mr. Gladstein: The evidence shows the witness was [4288] advertised as a speaker without his approval and consent.

Presiding Inspector: I just asked whether there was objection.

Mr. Grossman: We object on the ground that no proper foundation has been laid, and that it is incompetent, irrelevant and immaterial. In the first place, no proper foundation has been laid for this particular document; secondly, it is immaterial whether he was advertised.

Presiding Inspector: I will reject it on the first ground only.

Mr. Del Guercio: What ground is that?

Presiding Inspector: It hasn't been properly identified.

Mr. Del Guercio: Then we offer it for identification.

Presiding Inspector: Yes.

(The pamphlet referred to was thereupon

(Testimony of Henry A. Schmidt.)

marked for identification Government's Exhibit No. 266.)

By Mr. Del Guercio:

Q: I will show you a copy of the Western Worker for the date, May 21, 1934, and call your attention particularly to two articles appearing therein; one appearing on page 1, under the title, " 'Stevedores Can't Lose,'—says Strike Committee;" and the other appearing on page 4, the article headed "5000 Stevedores, Families, Sympathizers in S. F. Parade," and ask you if that is the parade and the matter you speak of that occurred in 1934? [4289]

A. (Examining newspaper) Page 1—

Presiding Inspector: Page 1 and page 4.

A. (Examining newspaper.)

By Mr. Del Guercio:

Q. Mr. Schmidt, did you speak on this occasion?

Presiding Inspector: He hasn't answered yet—he hasn't fully examined the article.

A. On what occasion do you mean?

By Mr. Del Guercio:

Q. On the occasion reflected by that article.

A. This article that I have just finished reading says nothing about any meeting or parade.

Q. Did you speak on that occasion, then, on the same occasion that Elaine Black spoke?

A. In Marshall Square in front of the City Hall, yes, I am pretty sure I spoke there.

Q. Now, look at the article on page 4, Column

(Testimony of Henry A. Schmidt.)

2, particularly to the fourth paragraph of that article reading as follows:

"Among those to speak were Shoemaker as Chairman, Johnson, President of the Local ILA, Harry Bridges, Chairman of the Strike Committee, Henry Schmidt of the Strikers Publicity Committee. All told how the stevedores must spend an entire week to get perhaps a day's work; of the speed-ups, of the uncertainty for even an existence." [4290]

And also to the last paragraph in that column reading as follows:

"Greetings of solidarity were given by Levino of the striking cooks, Ben Fee of the Chinese seamen, Paul Valdez, of the Filipino Seamen, Fritz Deuer of the Typographical Union and Elaine Black of the International Labor Defense."

A. I would like to call your attention to the paragraph that is entitled "Woman speaks." I have a clear recollection of that lady speaking. That happened to be Mrs. Olson, who is the wife of a striking longshoreman.

Q. Is that statement in the same article?

A. Yes; just above the one that you were reading. [4291]

Q. Well, now, did you speak on that occasion?

A. I undoubtedly did.

Q. And Elaine Black was on the speaker's platform?

A. It was not a platform; it was the bed of a truck.

Q. Well, was she on the same truck?

(Testimony of Henry A. Schmidt.)

A. If she spoke there she was.

Q. Was Harry Bridges on the same truck with Elaine Black and you?

A. Well, as I recollect it, we were not all standing on the truck at the same time. The Chairman stayed there by himself and every time he introduced a speaker, why, the speaker would climb on to the truck.

Mr. Del Guercio: I offer this in evidence, if your Honor please, a copy of the *Western Worker* and ask that a photostat copy of it be substituted for the original.

Presiding Inspector: Received without objection.

Mr. Grossman: What is being received, your Honor?

Presiding Inspector: That newspaper.

Mr. Gladstein: That is the article that the witness—

Mr. Del Guercio: (Interposing) Both articles.

Mr. Gladstein: What?

Mr. Del Guercio: Both articles, the article on page 1 and the article on page 4.

(The newspaper referred to was received in evidence and marked Government's Exhibit No. 267.)

By Mr. Del Guercio: [4292]

Q. I believe your testimony was that you didn't know Harry Jackson very well during 1934 and before the strike; isn't that correct?

A. I believe that is what I stated, yes.

(Testimony of Henry A. Schmidt.)

Q. And how many times did you meet Harry Jackson during the 1934 strike or prior thereto?

A. I don't remember meeting him at all prior except, maybe, a few days before it developed.

Q. And during the 1934 strike how many times would you say—

A. (Interposing) Oh, he might have dropped over to the strike committee six or seven times.

Q. Well, did you ever see him at 121 Haight Street during the 1934 strike?

A. No, sir; I don't remember—I was only there twice as I testified before.

Q. I believe you testified to the same effect in regard to Darcy, Sam Darcy?

A. I don't think you asked me about Darcy.

Q. Well, I will ask you now then.

A. No, I didn't meet him.

Q. Never met Sam Darcy at any time prior to the 1934 strike or during the 1934 strike?

A. I have seen him speak from the platform.

Q. Did you ever sit on the same platform as Sam Darcy? A. No, sir. [4293]

Q. Did you ever sit on the same platform as Harry Jackson during the 1934 strike?

A. I know that he spoke in the great mass meetings that we held, I think. It was in the Civic Auditorium and it was a few days before the general strike developed. I know I spoke there. I am pretty sure that he spoke also.

Q. Were you on the speaker's platform with Harry Jackson on that occasion?

(Testimony of Henry A. Schmidt.)

A. There were a great many people on the platform.

Q. Were you on the platform with Harry Jackson?

A. I can't say yes to that in just one word.

Q. How many people were there on the platform?

A. There might have been 40 or 50.

Q. Did you know any of them?

A. Yes, sir.

Q. Well, give me the names of some of them.

A. Well, there was Harry Bridges, Mr. O'Brady of the Masters, Mates and Pilots, Shoemaker—

Q. (Interposing) That is John Shoemaker?

A. Yes, sir. I think in all probability, the entire joint marine strike committee was up there,

Q. Now, do you recall seeing Harry Jackson on the speaker's platform?

A. Yes, I recall him speaking there.

Q. Now, what union did he represent? [4294]

A. The Marine Workers Industrial Union.

Q. Did he speak? A. Yes.

Q. That is at the Civic Center?

A. Civic Auditorium.

Q. Civic Auditorium. Now, to go back to 121 Haight Street, did you ever sit on a speaker's platform with Harry Jackson there?

A. No, sir.

Q. At any time during the 1934 strike?

A. No, sir.

Q. Was it ever announced at any time that you

(Testimony of Henry A. Schmidt.)

were to be on the same speaker's platform at 121 Haight Street with Harry Jackson?

A. Oh, that may be. I have no recollection.

Q. Huh?

A. I say that may be, but I have no recollection.

Q. Well, going back to the 1934 strike were you ever announced as a speaker to appear at 121 Haight Street with Harry Jackson?

A. Certainly not to my knowledge.

Q. And Sam Darcy? A. No, sir.

Q. Not to your knowledge?

A. Not to my knowledge.

Q. Now, I will show you a copy of the Western Worker for [4295] Monday, June 4, 1934, and call your attention there to this announcement appearing on the bottom of that page:

"International solidarity day, June 3rd, 8:00 P.M., 121 Haight Street, S. F., dance and entertainment, speakers: Harry Jackson, Seamen's Strike Committee; Henry Schmidt, Longshoremen's Strike Committee; Sam Darcy, District Organizer, Communist Party. All proceeds to Longshoremen's and Seamen's Strike fund. Admission 15 cents, Auspices Workers International Relief." Does that refresh your memory?

A. No, that doesn't do any good.

Mr. Grossman: I call your Honor's attention to the fact that, according to the witnesses of the Government in this case, 121 Haight Street was not at that time connected with the Communist Party.

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: That is incorrect, if your Honor please. The evidence does not support that statement at all.

Presiding Inspector: Well, we will have to go to the record.

Mr. Grossman: St. Clair testified, for example—I think of him in particular—that the Communist Party Headquarters was at 37 Grove Street until it was broken up after the strike was over, or during the latter part of the strike.

Mr. Del Guercio: If your Honor please, there is no objection.

Mr. Grossman: It seems to me that was also the testimony of several other Government witnesses.

[4296]

Presiding Inspector: I don't know. I can't remember those dates.

Mr. Del Guercio: If your Honor please, there is evidence in the record that was the headquarters of the International Labor Defense and the Workers International Relief, and the evidence shows that both organizations are Communist organizations.

Presiding Inspector: Well, we will have to go to something else. The witness says this is no good to him.

By Mr. Del Guercio:

Q. Did you ever see that announcement before?

A. (Examining document): No, sir.

Q. This is the first time? A. Yes, sir.

(Testimony of Henry A. Schmidt.)

Q. And you didn't appear at 121 Haight Street as indicated by this announcement? A. No.

Q. Were you notified that you were to appear at that address? A. Absolutely no recollection.

Q. Well, is it your testimony that you did not or that you have no recollection?

A. I have no recollection.

Q. And you might have been a speaker there, is that what you mean? [4297].

A. I wouldn't say that.

Q. What do you mean when you say "I have no recollection?"

A. Well, I don't remember and I am sure that I haven't been a speaker there.

Mr. Del Guercio: Well, if your Honor please, I don't quite get that answer.

Will you read his answer please? I think we are entitled to a yes or no answer.

Mr. Gladstein: Read the last ten answers in which the witness says first "I was not a speaker", and then he was asked "Were you asked to be a speaker", and he says "I haven't any recollection of being asked." Then, counsel—

Mr. Myron (Interposing): Now, he is just asking for the last answer.

Mr. Gladstein: I haven't finished, Mr. Myron.

Presiding Inspector: Let him make his objection.

Mr. Gladstein: Then, counsel said, "Well, is it because you have no recollection or because you don't know," but counsel, then, you see, confounds

(Testimony of Henry A. Schmidt.)

the two distinct points, one, whether you spoke and the other being whether you were asked to speak.

Presiding Inspector: To relate this to whether he was asked to speak?

Mr. Gladstein: Yes, that is the point. I think those should be kept clear and distinct. [4298]

The Witness: Your question was to—

Presiding Inspector (Interposing): Were you asked to speak?

The Witness: I don't think so. I am pretty sure I was not asked but my—

Presiding Inspector (Interposing): That is your best recollection, that you were not?

The Witness: Yes, positively, positively.

By Mr. Del Guercio:

Q. Was this announcement called to your attention during 1934?

A. Absolutely no recollection of ever having seen it before.

Q. You did testify, however, did you not, that the Western Worker was the official organ of the strike committee during the 1934 strike?

A. Not that paper.

Q. A portion of it?

A. Not that paper; a smaller bulletin that was printed in their printing shop. It was never my testimony that that paper was the official organ of the strike committee.

Mr. Del Guercio: May I have that paper marked for identification and a photostatic copy substituted?

(Testimony of Henry A. Schmidt.)

Presiding Inspector: Have it marked for identification.

(The newspaper referred to was marked Government's Exhibit No. 268 for identification.)

[4299]

By Mr. Del Guercio:

Q. Now, I believe, that you also testified that you never appeared as a speaker on behalf of the American League Against War and Fascism; is that correct?

A. I don't know whether I testified to that effect or not.

Q. Well, what is your testimony on that point?

A. I certainly have no recollection of ever speaking at any meeting where—that they were holding.

Q. That is your best recollection?

A. It certainly is.

Q. You might have spoken at such—

A. (Interposing): I might have.

Q. You don't recollect any of them at this time?

A. No, sir.

Q. Were you ever announced as a speaker at any meeting of the American League Against War and Fascism?

A. Not to my knowledge.

Q. Did you appear, or rather, were you announced as a speaker at a meeting sponsored by the Methodist Federation of the American League Against War and Fascism on a Friday, August 3rd, 1935?

A. What kind of—

Mr. Grossman (Interposing): Your Honor, I am going to object to this question as incompetent, ir-

(Testimony of Henry A. Schmidt.)
relevant and im- [4300] material. Now, it seems to us it is certainly inconsistent if we are not permitted to show not only that Mr. Chase spoke at, but advocated membership in the Bund and the Government is allowed to show, apparently on the theory that by some kind of remote connection between the American League Against War and Fascism and the Communist Party, that speaking under the auspices of the American League Against War and Fascism is relevant, I say; those two decisions are inconsistent. This is certainly, remote, incompetent, irrelevant and immaterial.

Presiding Inspector: There is no proof of any connection between the Bund and any attempt to overthrow the Government by—

Mr. Grossman (Interposing): There certainly is between that and being anti-labor, your Honor.

Presiding Inspector: What?

Mr. Grossman: There certainly is between that and being anti-labor, your Honor.

Presiding Inspector: We are not going into these on the ground that they are anti-labor.

Mr. Grossman: Then, why are we going into it?

Presiding Inspector: It is claimed it is an adjunct to the Communist Party.

Mr. Gladstein: It has never been claimed that—

Mr. Del Guercio (Interposing): We submitted proof along that line. [4301]

Mr. Grossman: May I finish my statement? At best, if we believe every witness of the Government,

(Testimony of Henry A. Schmidt.)

it is that the Communist Party, only that the Communist Party controlled the policy of that organization, not that every member is a Communist, not that anyone who speaks on that platform is a Communist, not that anyone who believes in their program is a Communist at best. Unless Mr. Del Guercio intends to prove that Mr. Schmidt had something to do with controlling the organization for the Communist Party it is completely irrelevant, whether he spoke on their platform.

Presiding Inspector: It may be of slight relevance.

Mr. Grossman: Now, your Honor, I am perfectly willing that Mr. Del Guercio should submit the program of the American League Against War and Fascism for your Honor to rule as to whether that is a Communist program. If it is a Communist program, then, I submit it is relevant whether Mr. Schmidt spoke there. I submit it is not, by any stretch of the imagination. If it is relevant that one of these *witness* takes an anti-war position, then, I submit most definitely that it is inconsistent with the ruling on Mr. Chase's speaking on the Bund.

Presiding Inspector: We don't care anything about this organization except there is some proof that it is Communist controlled, and, I think, I will take it on that basis. It may be of slight relevance. I will take it. [4302]

Mr. Del Guercio: Will you read the last question?

(Testimony of Henry A. Schmidt.)

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: Now, if you distinguish between the Methodist League and the main body, why——

Mr. Del Guercio: That should have been worded Methodist Federation and the American League Against War and Fascism.

Mr. Grossman: I make no distinction, but it points out the ridiculous absurdity of the Government's position. I suppose, he thinks under his theory that the Methodist Church is a Communist organization, because obviously——

Mr. Del Guercio (Interposing): If your Honor please,——

Mr. Grossman (Interposing): Quite obviously from the name, the Methodist Federation is a group of Methodists who agree with the American League Against War and Fascism.

Presiding Inspector: He has corrected the name. Perhaps you didn't hear him.

Mr. Grossman: Does it still include the Methodist Federation?

Presiding Inspector: No; two sponsors, as I understand it.

Mr. Grossman: Then, we say very definitely unless his theory is that the Methodist organization is a Communist organization this is completely irrelevant.

Presiding Inspector: No, I don't think——

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio (Interposing): I don't care what counsel believes. In the first place, it is immaterial.

Presiding Inspector: That is the manner of presenting his argument. He isn't to be criticized for using that phrase.

Now, what is the name of this organization?

Mr. Del Guercio: There appear to have been two of them, if your Honor please. One was the Methodist Federation and the other the American League Against War and Fascism. There seems to have been a joint meeting sponsored by both organizations at that time.

Presiding Inspector: I will take it.

A. I have a recollection of speaking at a Negro church in Oakland, but I don't know whether it was the Methodist Federation or whether it was the American League Against War and Fascism.

By Mr. Del Guercio:

Q. I am speaking of San Francisco not Oakland.

A. Well, I mean by that when you started to speak about Methodist Federation there came to my mind this talk that I made at the church in Oakland. That is the best I—

Q. (Interposing): You have a recollection you may have spoken on behalf of a church in Oakland?

A. Oh, yes, I spoke in a Negro church.

Q. When was that?

(Testimony of Henry A. Schmidt.)

A. Well, I rather think that was during the 1938 tie-up. [4304]

Q. On what subject?

A. On the question of Negroes shouldn't come to the waterfront and act as strike breakers, that they had to stick with the workers on strike, etc., etc.

Q. Now, you have a clear memory as to that event?

A. Well, when you mentioned a church I remembered.

Q. Now, do you have just as clear a memory as to this event in 1935?

Mr. Gladstein: I object because of the form of the question. It is argumentative.

Presiding Inspector: Yes, it doesn't help.

By Mr. Del Guercio:

Q. For the purpose of refreshing your memory I will show you a copy of the Monday, July 29th, 1935 issue of the Western Worker, and I call your attention to an article appearing on page 2 there under the heading "Reception for Kanju Kato is Planned in San Francisco. Noted Japanese trade union leader here."

And I will call your attention particularly to the third paragraph there, the last sentence:

"On Friday, August 3d, Kato Francisco. The meeting will be under the joint sponsorship of the Methodist Federation and the American League Against War and Fascism and will be held at 8 p. m. at the Building Trades Auditorium, 200

(Testimony of Henry A. Schmidt.)

Guerrero [4305] Street. Besides Kato, speakers will include Rev. Robert Whitaker, Harry Schmidt, Bert Leech, Pacific Coast Organizer of the American League and others."

Does that refresh your memory as to that?

A. As to whether I spoke there or not?

Q. Yes.

A. No, sir, it doesn't refresh my memory.

Q. Well, did you speak on that occasion as announced by this copy of the Western Worker?

A. I did not.

Mr. Grossman: It isn't announced that Henry Schmidt was going to speak. It is announced that Harry Schmidt was going to speak.

Mr. Gladstein: It seems to me, your Honor—

Mr. Del Guercio (Interposing): There is no objection.

Mr. Gladstein (Continuing): —If there is a record of any such speech having been made by Mr. Schmidt he can confront the witness with that record and ask him if that is a correct reflection of the facts, instead of going around this way and asking whether he was ever announced as a speaker, then, not coming forth with any semblance of proof that Mr. Schmidt did speak at any of—

Mr. Del Guercio (Interposing): We will confront him with proof. This is laying the foundation for it, if your Honor please. We are testing the veracity of this witness here. [4306]

Mr. Gladstein: Not by any approved method of

(Testimony of Henry A. Schmidt.)

cross examination in any Court according to any authority that I have ever seen.

Presiding Inspector: If it actually refreshes his recollection, he should say so.

The Witness: The only talks that I can remember making in the Building Trades Temple are those that were being held there when the Longshoremen's Union met there.

By Mr. Del Guercio:

Q. Would you say that there were none under the auspices of the American League Against War and Fascism? A. I am pretty sure.

Mr. Del Guercio: I offer this in evidence for identification, your Honor.

Mr. Gladstein: We will object to that as incompetent, irrelevant and immaterial.

Presiding Inspector: Have it marked for identification.

Mr. Gladstein: I thought you said in evidence.

(The newspaper referred to was marked Government's Exhibit No. 269 for identification.)

[4307]

Mr. Del Guercio: Council objected to the other article because the name appeared as Harry Schmidt, instead of Henry Schmidt.

By Mr. Del Guercio:

Q. Now, I show you a copy of the Western Worker for Thursday, August 1, 1935, and call your attention to an article appearing on page 3 of that issue under the heading, "Kato to Speak

(Testimony of Henry A. Schmidt.)
in East Bay, San Francisco," and call your attention particularly to this sentence:

"In San Francisco he"—referring to Kato—"will talk at the Building Trades Temple, 200 Guerrero Street, at 8:00 P. M. on August 3. Other speakers include: Bert Leech, William Sanders, Dr. Edward Wilson, and Henry Schmidt."

Does that refresh your recollection?

A. (Examining article): No, it doesn't help me at all.

Mr. Del Guercio: I offer this for identification, your Honor.

Mr. Gladstein: For identification?

Mr. Del Guercio: Yes.

Presiding Inspector: It may be marked for identification.

Mr. Del Guercio: And I ask that a photostatic copy be substituted.

Presiding Inspector: Yes.

(The document referred to was thereupon marked for identification as Government Exhibit 270.) [4308]

By Mr. Del Guercio:

Q. Now, Mr. Schmidt, were you ever announced as a speaker under the auspices, or sponsorship, of the American League Against War and Fascism for October 27, 1935, at the Third Baptist Church, 1299 Hyde Street, San Francisco?

A. I may have been announced, but I certainly have no recollection of speaking there. The first

(Testimony of Henry A. Schmidt.)

Baptist Church on Hyde Street? That doesn't mean a thing to me.

Q. Did you ever appear there on behalf of the American League Against War and Fascism?

A. I doubt it very much.

Q. You might have?

A. It could be, but I have no recollection of speaking in a church in San Francisco at all. The only church talk that I can recollect is the one in the negro church that I mentioned a while ago.

Q. Did you speak at any church, at any time, at any place, under the sponsorship of the American League Against War and Fascism?

A. I doubt it very, very much.

Presiding Inspector: By that you mean your best recollection now is that you didn't?

The Witness: That is right.

Presiding Inspector: That is as I understood you.

By Mr. Del Guercio: [4309]

Q. Did you ever speak at a conference of the American League Against War and Fascism at the Building Trades Temple here in San Francisco?

A. I certainly have no recollection of it.

Q. Well, is it possible that you may have spoken there? A. It is possible that I may have.

Q. You have no recollection of it?

A. I have no recollection of it.

Q. Now, I said a conference of the American League Against War and Fascism, which included

(Testimony of Henry A. Schmidt.)

only the League forces in the San Francisco Bay Area. Does that refresh your recollection further?

A. Which included only what?

Q. The League forces, American League Against War and Fascism forces?

A. No; that doesn't help me any.

Q. I will show you an issue of the Western Worker for Thursday, August 19, 1935, and call your attention to an article appearing on Page 1, thereof, and continuing on page 2, the article headed, "67,280 massed for opposition to Vigilantism. Over 40 trade unions in Bay Area Conference to fight Fascism." And call your attention to this part on page 2:

"Speakers at last night's mass meeting at the Building Trades Temple were: Leo Baroway, of the American League; [4310] Mrs. Moburg, Ladies Auxiliary of the International Longshoremen's Association; Henry Schmidt, Maritime Federation."

Does that refresh your recollection as to whether you spoke at that conference or not?

A. I am willing to state I might have spoken there, but I don't seem to remember it at the present moment.

Q. Would you say that this was an incorrect announcement?

Mr. Gladstein: I think the question has been asked and answered. I object to it on that ground.

Presiding Inspector: He says he has no recollection of it; that this doesn't refresh his recollection, but that he might have spoken.

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: I will offer this for identification.

Presiding Inspector: It may be marked for identification.

Mr. Del Guercio: And ask that a photostatic copy be substituted.

(The document referred to was thereupon marked for identification as Government's Exhibit No. 271.)

By Mr. Del Guercio:

Q. Did you ever participate in the United Labor party Campaign in 1935 in the San Francisco Municipal Elections?

A. What do you mean by "participating"—making speeches?

Q. As a speaker or in any other capacity?

A. No. I was very lukewarm on that subject. I don't [4311] recollect making any talks anywhere.

Q. You don't recollect? A. No.

Q. Did you ever speak at mass meetings sponsored by the United Labor Party?

A. It is possible that I might have, but I doubt if I did.

Q. What is your best recollection on the subject?

A. That I doubt it.

Q. You doubt it. Did you ever appear at political rallies on behalf of the United Labor Party candidates as a speaker?

A. Well, if that was the group that had a sort of an organizational convention in the Civic Auditorium I was in the audience.

(Testimony of Henry A. Schmidt.)

Q. Weren't you a candidate for supervisor?

A. No.

Q. At one time?

A. No. You have got me mixed up with Dr. Adolph Schmidt, who is a supervisor.

Q. You are not Dr. Schmidt, are you?

A. No.

Q. Now, you also testified, I believe, last week that you didn't know Lawrence Ross, is that right?

A. That is right. I don't know him. [4312]

Q. Did you ever appear with Lawrence Ross on the same speaker's platform?

A. He might have been there without my knowledge, without my knowing who the individual was.

Q. Do you know Mervyn Rathborne?

A. Sure; yes.

Q. You have been on the same platform with him?

A. Dozens of times.

Q. He is a close friend of yours, is he not?

A. Yes; I would be glad to call him my friend.

Q. Were you ever announced as a speaker by the United Labor Party Campaign Committee, say, in 1935?

A. I certainly have no recollection of it.

Q. Was Mervyn Rathborne?

A. Was he announced, you mean?

Q. Yes.

Mr. Gladstein: I think this is immaterial and calls for conjecture.

A. I can't remember that.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: It doesn't matter. He says he can't recall it.

By Mr. Del Guercio:

Q. For the purpose of refreshing your memory, I will show you an article, or an issue of the Western Worker, dated San Francisco, Thursday, August 22, 1935, and appearing on the first page thereof, under the heading, "Uhl & McSeehy Will Meet [4313] Labor Ticket Speakers," and call your attention particularly to this paragraph appearing in that article:

"The United Labor Campaign Committee is a coalition of trade unions, liberals, Epic democrats, and radical forces united for the purpose of supporting a progressive platform and slate in the municipal election. Other speakers at the mass meeting will be Henry Schmidt, Mervyn Rathborne, Lawrence Ross and Ben Legere."

Does that refresh your memory as to whether or not you had ever met Lawrence Ross?

A. It does not.

Q. Were you a speaker, as announced in this issue of the Western Worker?

A. (Referring to article): I don't see my name on here.

Q. Let me help you. Is that (indicating) your name?

A. Yes; that is my name.

Q. Does that refresh your memory now?

A. No, sir; I don't recall having spoken there.

Q. Do you recall being announced as a speaker?

(Testimony of Henry A. Schmidt.)

A. No, sir. I might add that the last week I was announced as a speaker so—

Mr. Del Guercio (Interposing): I am not asking you about that.

I move that be stricken from the record. [4314]

Presiding Inspector: Strike it out.

Mr. Del Guercio: I ask that this be marked for identification.

Mr. Gladstein: Before you go ahead—I don't understand why that was stricken out. It was an explanation of his answer. He asked if he had been announced as a speaker. He is telling of an incident where he was announced and didn't speak.

Presiding Inspector: That doesn't add anything. It is entirely immaterial. It goes out.

Mr. Gladstein: I do not understand why it goes out. I have heard plenty of remarks of Mr. Del Guercio's that have not been stricken, which were highly improper, but when this witness tries to give a complete answer by explaining what he has in his mind, then it is stricken out.

Presiding Inspector: Oh, Mr. Gladstein, you know better than to claim that is relevant. For instance, the Republican Party might somewhere have announced him as a speaker. We don't know what kind of a matter that was—the last week, as he started to say—it has no reference to anything here at all. It is entirely immaterial.

Mr. Gladstein: I think the whole line of questioning is immaterial.

Presiding Inspector: You haven't objected.

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: We did on that ground, and you said you would take it. [4315]

Presiding Inspector: I mean that because some union organization, perhaps the Quakers—I don't know—or perhaps the Republican Party announced him as a speaker, as having no relation here, and he didn't speak. He might have been advertised to speak as a most reputable or a most disreputable person, but do you mean to say that that is competent here?

Mr. Gladstein: I think none of it is competent and we have objected to the question constantly asked, "Have you been advertised to speak?" because if Mr. Del Guercio asks Mr. Schmidt if he has been advertised to speak at a meeting which Mr. Del Guercio thinks has a radical tinge to it, I think in all fairness to the witness that he has a right to go to his records and point out to your Honor how many speeches he has given for the Republican Party, or the Democratic Party, or the most reputable organizations in the country, to show his character. If there is any reflection at all on him—

Presiding Inspector: This doesn't mean to affect his character, as I understand it.

Mr. Gladstein: I think that is what Mr. Del Guercio has in mind.

Presiding Inspector: I don't know.

Mr. Del Guercio: Is Counsel through?

Presiding Inspector: I will still strike it out. I am surprised at the argument. [4316]

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: May I ask that this be marked for identification, if your Honor please?

Presiding Inspector: Yes.

Mr. Del Guercio: And that a photostatic copy may be substituted.

Presiding Inspector: Yes.

(The document referred to was thereupon marked for identification as Government Exhibit No. 272.)

(Whereupon an issue of the *Western Worker* was passed to Mr. Gladstein.)

Mr. Gladstein: Counsel is producing here new papers, new editions, to have marked for identification, having reference to the same meeting.

By Mr. Del Guercio:

Q. I will show you an issue of August 19, 1935, of the *Western Worker*, and call your attention to an article appearing therein under the heading, "Candidates to Address Labor Ticket Rally," and particularly to this paragraph under the heading "Mass Meeting":

"San Francisco, with a United Front Labor Ticket already under way, will launch a city-wide campaign with a mass meeting on August 21 at 8:00 P.M. at the Building Trades Temple, 200 Guerrero Street. There the United Labor Campaign Committee program will be explained by Henry Schmidt, ILA; Lawrence Ross, Communist Party; Ben Legere, of the Democratic City Council, [4317] and Mervyn Rathborne, Maritime Federation." and ask

(Testimony of Henry A. Schmidt.)

you if that refreshes your memory as to whether you spoke on that occasion as announced in this article?

A. (Examining article) No; I have no recollection of speaking there.

Q. Does that refresh your memory as to whether or not you know Lawrence Ross?

A. Not at all.

Q. Have you ever seen that article before?

A. No; I couldn't remember.

Q. Has it ever been called to your attention?

A. Not that I can remember; that was six or seven years ago.

Q. But you do recall that you never met Lawrence Ross?

A. I have no recollection of ever meeting the man. He made no impression on my mind. I might have met a man last week and have forgotten about him.

Q. The fact that the Western Worker, the Western organ of the Communist Party, has a reference to Lawrence Ross as being connected with the Communist Party, does not help refresh your memory?

Mr. Grossman: We object to that as incompetent, irrelevant and immaterial.

Presiding Inspector: He said it doesn't refresh his recollection. [4318]

Mr. Grossman: Obviously, the only purpose of this examination for the last hour is for Mr. Del Guercio to read from the Western Worker on the

(Testimony of Henry A. Schmidt.)

theory somehow that that is going to tie up this witness with these things.

Presiding Inspector: It makes no difference. It doesn't make any difference in the trial of this case. None of them are in evidence.

Mr. Grossman: Obviously, from the last question, that is his only purpose. I don't think he should be permitted to use the court room for that kind of a forum, your Honor.

Presiding Inspector: It isn't evidence. All these advertisements that have been put in, articles, or notices, none of them are in evidence.

The only proof of any notice that I can recall that has been received is the one that he spoke of, where he said he was called down by somebody for having allowed his name to be published as a speaker, or something of that kind. It might not have been quite that way. That is the only one that has gotten in the record that I know of. The others have been merely marked for identification.

Mr. Del Guercio: May I ask that this issue of the Western Worker for August 19, 1935, be marked for identification?

Presiding Inspector: It may be marked for identification.

Mr. Del Guercio: And that a photostatic copy be substituted? [4319]

Presiding Inspector: Yes.

(The document referred to was thereupon marked for identification Government's Exhibit 273.)

(Testimony of Henry A. Schmidt.)

By Mr. Del Guercio:

Q. You also testified that you never submitted any article under your name to the Western Worker, is that correct?

A. I don't think I testified to that effect.

Q. What did you testify to?

A. I don't think I testified to that effect.

Q. What did you testify to?

A. I don't know. I don't recall you asking me that question.

Q. I will ask you again: Did you ever submit any articles to the Western Worker under your name?

A. I may have. I submitted them to the Voice of the Federation and Labor Herald.

Q. I am asking you about the Western Worker, the official organ of the Communist Party.

Mr. Gladstein: I submit that has been answered.

Presiding Inspector: Yes. He said he might have.

By Mr. Del Guercio:

Q. Did you ever write any articles for the Peoples' World?

A. I might have written advertisements. They some- [4320] times communicate with us and ask us to place an ad. in the paper for which we pay.

Q. But you never submitted an article?

A. Oh, I sometimes write articles for the Voice of the Federation, and Labor Herald, and when the stenographer sends it out she asks what paper to send it to, and I say, "Send it to the labor papers."

(Testimony of Henry A. Schmidt.)

Q: Do you understand my question?

A. Yes.

Q. I didn't ask about the Voice of the Federation, and I didn't ask you about the other one. I asked you if you submitted articles to the Peoples' World?

A. It is possible that I did. If I tell the stenographer that I have written something, and tell her to send it to the labor papers, it will go to the Peoples' World also. But I don't write for the Peoples' World specifically and not for the others.

Q. Did any article ever appear under your name in the Peoples' World?

Mr. Gladstein: Wouldn't it be better to ask the witness, to show him any article that purports to be an article by him, and ask him if he wrote that, rather than ask him if any article has ever appeared by him in the Peoples' World?

Mr. Del Guercio: Do you know of any such article, Mr. Gladstein? [4321]

Mr. Gladstein: No, I don't. I am asking you. If this is just a fishing expedition then I think Mr. Grossman's objection should be reconsidered by your Honor.

Presiding Inspector: What objection?

Mr. Gladstein: The objection as to this line of questioning by Mr. Del Guercio. If Mr. Del Guercio has an article by Mr. Schmidt which appeared in the Peoples' World why not show the witness the article and ask him to explain it, or identify it?

(Testimony of Henry A. Schmidt.)

Presiding Inspector: I assume he has some such article. It isn't in evidence. I will have to let counsel present their case, as I have said before, as they see fit, respectively.

You may proceed, Mr. Del Guercio.

Mr. Del Guercio: I want to call your Honor's attention, please, to the testimony of this witness appearing on page 4207 at the bottom.

Presiding Inspector: I have it before me—although it appears from what follows that that referred to the Waterfront Worker.

Mr. Del Guercio: No—the question at the bottom of page 4207.

Presiding Inspector: 4107 I was looking at.

Mr. Del Guercio: 4207.

Presiding Inspector: 4207.

Mr. Del Guercio: 4207, at the bottom of the page, begin- [4322] ning with the next to the last question.

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. Now, Mr. Schmidt, I show you the April 7, 1938 issue of the Peoples' World and call your attention to an article here purported to have been written by Henry Schmidt, reading—that is, the title reading, "In Spite of Terror, Sugar Mill Owners 'Stick-up Man' Kennedy, Crockett Workers Build Union."

Did you write that article for the People's World?

A. (Examining article).

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: While he is reading that may we have the morning recess?

Mr. Del Guercio: May I ask that we wait until he finishes with that?

Mr. Gladstein: That is all right.

Presiding Inspector: Very well.

A. (Referring to article) Yes, I wrote that article. It was a good article.

By Mr. Del Guercio:

Q. You wrote that article. Well, now, Mr. Schmidt, you testified under oath in this court last week that you ~~did~~ not write any article for the Peoples' World. You testified falsely, did you not?

A. You asked me last week whether I wrote any such article for the Western Worker. [4323]

Q. Did you testify falsely?

A. No, I don't think so.

Q. Last week, so the transcript shows, I asked you this question:

"Did you ever write any article for the Peoples' World, Mr. Schmidt?"

And your answer was:

"A. Did I ever write any article for the People's World?"

My next question was:

"Q. Yes."

And your answer:

"A. No."

Now, I will ask you again, did you testify falsely under oath when you so testified last week?

A. Certainly not deliberately.

(Testimony of Henry A. Schmidt.)

Q. How did you testify falsely, then?

Mr. Gladstein: I object to that as argument.

Presiding Inspector: I think it is argument.

Mr. Del Guercio: May we have the morning recess, please?

Presiding Inspector: Yes.

(Whereupon a short recess was taken.)

Presiding Inspector: You may proceed.

Mr. Del Guercio: If the Court please, I offer this issue of the People's World, dated April 7, 1938, in evidence.

Mrs. King: There is no objection.

Presiding Inspector: It may be received. [4324]

Mr. Del Guercio: And I ask leave to substitute a photostatic copy.

Presiding Inspector: Yes.

(The document referred to was received in evidence and marked Government's Exhibit No. 274.)

By Mr. Del Guercio:

Q. Now, Mr. Schmidt, I asked you last week also if you knew the Editor of the People's World, and whether you ever sent birthday greetings to him, and your reply was that you had no recollection of doing anything like that; that you didn't know when his birthday was. Do you want to change your testimony on that? A. No.

Q. Is it still your testimony that you did not send birthday greetings to the Editor of the People's World?

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: I object to that on the ground that it is assuming something not in evidence, and is an improper question.

Presiding Inspector: I don't think he quite said that.

Mr. Del Guercio: Page 4208.

Presiding Inspector: I have the testimony before me.

Mr. Del Guercio: 4208.

Presiding Inspector: He says he hasn't any recollection of it. He said, "I would hesitate to say that I didn't."

By Mr. Del Guercio:

Q. Do you know Harrison George? [4325]

A. No.

Q. Or George Harrison?

A. Is he supposed to be the Editor?

Q. Yes, and an agent of the OGPU, or one of the agents of the OGPU, according to evidence in this case.

Mr. Gladstein: I move that that be stricken as improper.

Mr. Del Guercio: For identification.

Presiding Inspector: I don't recall whether there was testimony to that effect.

Mr. Del Guercio: There is. It is to the effect that he was the OGPU agent for the Soviet Government in Brazil.

Mr. Grossman: First, Mr. Del Guercio didn't state it was testified in this case that he was. He said that he was. If Mr. Del Guercio wants to name

(Testimony of Henry A. Schmidt.)

the witness and say a particular witness said that

Mr. Del Guercio: (Interposing). It is testified to in this case.

Mr. Grossman: That doesn't make it the truth because your witness said it.

Presiding Inspector: Counsel is assuming it.

Mr. Grossman: You mean counsel is assuming the truth of this evidence?

Presiding Inspector: In asking the question as to identification he can deny that he knows anything about that.

Mr. Grossman: Mr. Del Guercio has no right to assume the [4326] correctness of his evidence.

Presiding Inspector: No, no.

Mr. Grossman: In this question he does.

Presiding Inspector: I don't so understand it.

Strike out the part about the OGPU.

Mr. Del Guercio: I might say that there is evidence that this is so.

Presiding Inspector: Let us find out how he knew this man, whatever he was, was an agent of the OGPU, or an agent of the Socialist Party, or an agent of anyone else. It doesn't make any difference.

By Mr. Del Guercio:

Q. What is the answer to that question?

A. I have absolutely no recollection of sending him birthday greetings, and I don't know Mr. George Harrison, or Mr. Harrison George.

Q. Did you ever meet him?

(Testimony of Henry A. Schmidt.)

A. I don't know him.

Presiding Inspector: You mean you didn't ever meet him as far as you can recollect?

The Witness: Precisely.

Presiding Inspector: You have no recollection of meeting him at all?

The Witness: That is right.

Presiding Inspector: That is clear. Let us go on. [4327]

By Mr. Del Guercio:

Q. For the purpose of refreshing your memory, I will show you an issue of the People's World, for June 29, 1938, less than three years ago, and particularly to an article headed "Foster sends Greetings to George. Long History as Labor Champion Cited in Birthday Message," and particularly to this appearing in the article:

"Among the labor leaders honoring George today were: Herman Stuyvelaar, Secretary, San Francisco Industrial Union Council."

Do you know Mr. Stuyvelaar?

A. Yes.

Q. "Louis Goldblatt, Northern California Director, CIO."

Do you know Louis Goldblatt?

A. Yes.

Q. "Frank Drumm, Vice President, Steel Workers Organizing Committee, Lodge 1684."

Do you know Frank Drumm?

A. Yes.

(Testimony of Henry A. Schmidt.)

Q. "William P. Shields, Secretary, Labor Unions Unemployment Council, and, Delegate to that body from Machinists Local 68."

Do you know Shields?

A. Yes; I know Shields.

Q. "Bill Gratton, Editor, CIO Labor Herald."

Do you know [4328] Gratton? A. Yes.

Q. "Clifford Daggett, Acting Secretary of the Inland Boatmen's Union."

Do you know Daggett?

A. No. Clifford Daggett? No.

Q. You don't know him? A. No.

Q. "Also, Henry Schmidt"—

A. (Interrupting) That is me.

Q. Is that you? A. I guess so.

Q. "President, International Longshoremen's and Warehousemen's Union, Local 1-10."

Is that you?

A. My name is Henry Schmidt.

Q. Are you the person that sent birthday greetings to George?

Mr. Grossman: The article doesn't state birthday greetings were sent. There is no proof of that.

Presiding Inspector: The document isn't in evidence anyway.

Mr. Gladstein: That is right. Of course, it is being read in.

Presiding Inspector: That doesn't put it in evidence. He is asking whether this refreshes his recollection, as I under- [4239] stand it.

(Testimony of Henry A. Schmidt.)

By Mr. Del Guercio:

Q. Does that refresh your recollection as to whether or not you sent birthday greetings to George?

A. I don't recall having sent any birthday greetings to him, or to anybody else. [4330]

Q. Did you see that issue of the People's World?

A. In all probability not, because I hardly ever see it.

Q. Your office took a copy of the People's World, did they not, at that time?

A. Some time ago, yes.

Q. Did they in 1938?

A. I wouldn't remember.

Q. Would the record of your local show?

A. I don't think the local ever subscribed to it.

The records would however show.

Q. Is there a CIO office here? A. Surely.

Q. Did they subscribe to the People's World?

A. The CIO Industrial Union?

Q. Yes. A. Yes, I believe they do.

Q. Did they subscribe for the People's World on June 29, 1938?

A. Well, I don't remember that far back.

Q. Would the records show?

A. I think they would.

Q. Are those records available to you?

A. Well, I would have to ask the secretary.

Q. Well, would you do that? [4331]

A. I would be very happy to do that.

(Testimony of Henry A. Schmidt.)

Q. And ask the secretary to notify this Court as to whether or not they subscribed to the People's World, particularly on that day.

A. As to whether or not they subscribed to the People's World at that time?

Q. Yes.

A. That is in which month in 1938?

Q. June 29th, particularly, 1938.

And for the purpose of further refreshing your memory I want to read just—

Presiding Inspector: (Interposing) No, no, show him now. We are getting too much into this record. Of course, the reading of it doesn't put it into the record at all.

Mr. Del Guercio: There is a question as to whether the article actually stated that birthday greetings were sent.

Presiding Inspector: Yes. Well, we are not interested in the article in the slightest, as yet. The article is not in evidence. Reading doesn't make it so.

By Mr. Del Guercio:

Q. Was this article called to your attention by anyone, by either the secretary or anyone else in the CIO?

A. (Examining document) I have no recollection of that. There were dozens of papers floating around; mimeographed material. [4332]

Mr. Del Guercio: I offer this for identification, if your Honor please, and ask it be marked.

Presiding Inspector: What was the offer?

(Testimony of Henry A. Schmidt.)

The Reporter: For identification.

Presiding Inspector: Yes, it may be marked for identification.

(The document referred to was marked Government's Exhibit No. 275 for identification.)

Mr. Del Guercio: And I ask that a photostatic copy be substituted.

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. Do you know who Mr. Foster is?

A. Mr. who?

Q. Foster?

A. Yes, I have read of him, heard of him.

Q. What?

A. I have read and heard of him.

Q. Have you ever been arrested?

A. I didn't hear you.

Q. Have you ever been arrested?

A. Yes, sir.

Q. How many times? A. Once.

Q. For what? [4333]

A. They called it assault and battery.

Q. Were you charged with assault and battery?

A. Yes; the business was thrown out of Court.

Q. Were you charged with assault and battery?

A. Yes, I think that is what the document read.

I mean, I don't know whether you can call it even an arrest.

Q. Where were you arrested?

A. Well, I was not apprehended on the streets. I voluntarily went to the Hall of Justice to find out what they wanted from me.

(Testimony of Henry A. Schmidt.)

Q. Where was that? A. In San Francisco.

Q. And was a warrant issued for your arrest?

A. Yes, sir.

Q. Were you served with it?

A. Yes, sir.

Q. And you say the charge was subsequently dismissed? A. Yes, sir.

Q. And have you been arrested at any other time? A. No.

Q. Anywhere? A. No.

Q. In Germany? A. No.

Q. In Canada? A. No. [4334]

Mr. Del Guercio: That is all.

Presiding Inspector: Now, Mr. Gladstein.

Mr. Gladstein: Yes, we have some questions.

Presiding Inspector: Yes, certainly.

Redirect Examination

By Mr. Gladstein:

Q. On this assault and battery matter, Mr. Schmidt, when did that occur?

A. I believe, the year was '38 or '39.

Q. Did it have anything to do with your position as the President of the Longshoremen's Union?

A. Yes, in a way.

Q. In what way?

A. Well, we had changed our affiliation to the CIO. It so happened that a group of longshoremen didn't see fit to go along and they established rival headquarters at another place about two blocks from our office, and they attempted to recruit our fellows into their organization, and occasionally they

(Testimony of Henry A. Schmidt.)

would make it a point to come over to our place and try and raise the devil, and a couple of them got into a beef there one day and I happened to come along and——

Q. (Interposing) First of all, what do you mean by the word "beef" so the record will be clear?

A. A fight, an altercation.

Q. Where did it occur?

A. On Clay Street almost directly across the street [4335] from our office which was at that time located at 27 Clay street.

Q. And who were the parties to the fight, that is, I am not interested in the names, but simply their union affiliations, if there were distinctions between them?

A. Well, the fight took place between a man that belonged to our outfit and another man that belonged to the rival outfit, and his name was Edward Achstatter, A-c-h-s-t-a-t-t-e-r, and the other fellow's name I don't recall.

Q. Were you personally engaged in the fight in any way?

A. Not at all. I saw it from a distance and I went over there to see what was going on, and I happened to stop it with a couple of other fellows.

Q. And, then, the warrant of arrest, by whom was it sworn out; one of the rival unionists?

A. This man Achstatter, who—he made the charge that I assaulted him.

Q. Did you appear for trial?

A. Yes.

(Testimony of Henry A. Schmidt.)

Q. Was the case dismissed?

A. That is right.

Q. Now, mention was made of a meeting at the Civic Square during the 1934 strike. Do you have that in mind, that meeting?

A. Well, if that was the meeting that—immediately [4336] following a big parade that we organized, yes.

Q. What kind of a parade was it?

A. It was a parade of striking longshoremen and striking seamen, the entire group.

Q. Do you remember where the parade took place?

A. Well, it started at the waterfront at the foot of Market Street. I suppose, the organization—the line-up of the parade probably took place on Stewart Street. Then, we marched up Market Street.

Q. Under whose auspices was the parade held?

A. In all probability under the auspices of the Joint Marine Strike Committee.

Q. Where did the parade wind up?

A. Directly in Civic Center known as Marshall Square.

Q. And what occurred there? Was there a public meeting?

A. Yes, sir. There was a truck available and a sound system was available. I don't know about the sound system. I think, we ordered the sound system and somebody intimidated the sound man and he didn't show up. At least, that is my recollection.

Q. And what was the purpose of the meeting, the general purpose?

(Testimony of Henry A. Schmidt.)

A. Well, to acquaint the listeners who might come there—to acquaint them with the objectives of the strikers.

Q. Now, Friday you were testifying concerning Lee Holman. [4337] I think—I don't substitute this for your testimony but I merely use it to call your attention to what I am interested in my next question—I believe, you stated in substance that members of the Albion or Equality Hall group suspected, and also other members of the Longshoremen's Union who were not members of the Albion or Equality Hall group, suspected that Mr. Holman was secretly acting on behalf of the employers.

Do you recall that testimony or testimony of that general character?

A. Yes, I believe I made some statements to that effect.

Q. All right. Now, did you ever have occasion to learn whether there was any basis for the suspicion on the part of the longshoremen who were identified in the previous question?

Presiding Inspector: This is over your objection, Mr. Del Guercio.

Mr. Del Guercio: It is, your Honor.

Presiding Inspector: I will receive it as bearing solely on the probability of the statement of the suspicions.

Mr. Del Guercio: The Court has, perhaps, overlooked the fact that now he is asking him for something that occurred afterwards.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: I know, but as to the facts before.

The Witness: Will you repeat the last part of your question?

Mr. Gladstein: Yes. Will you read it?

(The question referred to was read by the reporter as above recorded.) [4338]

Mr. Myron: This is the Albion Hall group, your Honor?

Presiding Inspector: Yes, the Albion Hall group and people who had also shared in the Albion Hall group's feelings.

A. You mean were our suspicions realized later on?

By Mr. Gladstein:

Q. Did you have occasion to find out—— {

A. (Interposing) Yes, sir,

Q. (Continuing)—whether there was any basis to that suspicion?

Presiding Inspector: Yes.

By Mr. Gladstein:

Q. Will you tell us under what circumstances and from whom you did so find out?

Mr. Del Guercio: If your Honor please, I object to that on the ground: Now, this is nothing to indicate as to when the basis was discovered for the suspicions. Was it before——

Presiding Inspector: (Interposing) Can't you identify the time a little more fully?

Mr. Gladstein: All right.

(Testimony of Henry A. Schmidt.)

By Mr. Gladstein:

Q. Let me ask this: At the time you did discover that there was a basis for those suspicions, Mr. Schmidt, did your discovery reveal evidence as to Mr. Holman acting or not acting secretly on behalf of the employers during the 1934 strike?

Mr. Del Guercio: I will object to that. [4339]

Presiding Inspector: Now, he was removed from office during the strike, wasn't he?

Mr. Gladstein: At one point.

Presiding Inspector: You mean before he was removed from office?

Mr. Gladstein: Before his removal. Let's put it that way, yes.

Mr. Del Guercio: I object to that. There is no evidence here—

Presiding Inspector: (Interposing) Yes. It is over your objection. I will allow it.

By Mr. Gladstein:

Q. Do you understand the question?

A. Yes, I understand it. Before his removal there were *were* merely just suspicions but the evidence certainly developed later on.

By Mr. Gladstein:

Q. All right. Now, when the evidence did develop was it evidence which justified the suspicions as of the time the suspicions existed before Mr. Holman's removal? A. Certainly.

Mr. Del Guercio: I will object to that. It still doesn't place—

(Testimony of Henry A. Schmidt.)

Presiding Inspector: (Interposing) It calls for a conclusion. [4340]

Mr. Gladstein: I realize the word "justifies" does, but I am trying to fix in the mind of the witness the period we are concerned about. Your Honor asked about that.

Presiding Inspector: Yes. I think you should, of course.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Now, will you tell us from whom, or in the presence of whom this evidence, whatever it may have been, was given to you?

Mr. Del Guercio: If your Honor please, I object to that. No time has as yet been fixed, that I know of, as to when this so-called evidence was—

Presiding Inspector: (Interposing) He said it was after he was removed from office.

Mr. Gladstein: I will put this question to him first if you prefer, your Honor.

By Mr. Gladstein:

Q. Can you give us an approximate time, Mr. Schmidt, an approximate date when this evidence was revealed in your presence?

A. You mean during the '34 strike?

Q. No; the evidence which you obtained, which you ultimately obtained after Mr. Holman's removal when did that occur? [4341]

A. Well, there are three things that stand out

(Testimony of Henry A. Schmidt.)

in my mind. First the thought that in 1934 during the strike he attempted to organize a rival union, which is evidence enough, in any union man's mind, that this fellow was working in cahoots with somebody.

Q. What is the second?

A. During the 1936-'37 strike he again attempted to organize strike breakers, and did so, and the man who was his secretary apparently got tired of the phony business and he contacted Jack Shelley, who was then a member of the Bakery Wagon Drivers, who is now a State Senator, and contacted myself, and we had him come to Mr. Kidwell, George Kidwell's office, who was then secretary of the Bakery Wagon Drivers, and this secretary of Holman's told us a lot of things—I can't remember everything he said—but the fact that he was the secretary, that they were up against it for money, that whenever they ran up against the question of money, why, he would drive Holman down to Montgomery Street to the offices of the Industrial Association, that Holman would go into the Alexander Building and come out after a while and he would usually have some more money to carry on.

Mr. Del Guercio: Now, if your Honor please, there is no date, you see, to all of this story here.

Presiding Inspector: No. It long post dated Holman's removal as the President of this Union?

[4312]

Mr. Gladstein: Yes that is true.

(Testimony of Henry A. Schmidt.)

By Mr. Gladstein:

Q. Now, when is the approximate date when these statements were made by Mr. Holman's former secretary to you and to Mr. Shelley?

A. That is too difficult to remember. It was during the 1936-'37 strike. We were on strike for 99 days. Let's assume that—

Mr. Del Guercio: (Interposing) Now, if your Honor please, I move to strike it all out for the reason that the Albion Hall group, upon which the basis of this line of questioning is founded, went out of existence long before that.

Mr. Gladstein: Well, that is immaterial as to when they went out of existence, your Honor. The important thing is this: I would recognize, I would admit to your Honor—

Mr. Del Guercio: (Interposing) If your Honor please, I will withdraw my objection.

Mr. Gladstein: I don't care what counsel—

Presiding Inspector: (Interposing) The objection is withdrawn. Go ahead.

By Mr. Gladstein:

Q. You have mentioned Mr. George Kidwell. Who is he, please?

A. He was at that time secretary of the Bakery Wagon Drivers Union. He is now the State Industrial Director. [4343]

Q. Now, you were asked—

A. (Interposing) State Industrial Accident Commissioner.

(Testimony of Henry A. Schmidt.)

Q. You were asked if you had acquired on the waterfront the name of "Editor Schmidt." I think you said that you had heard that you had been called that. A. Yes.

Q. Can you state for the first time you learned that such a—that you had won such a name?

A. Oh, that is very difficult to state.

Q. Well, I don't mean the exact day, but the period.

A. The only way I can explain it, that during the strike I was a member of the Publicity Committee.

Q. Which strike, please?

A. The 1934 strike.

Q. All right.

A. After that strike terminated I continued to write the weekly bulletin of the Union, and three thousand five hundred men of our Local knew that, so, I suppose, they called me Editor Schmidt. I don't mind the title; it doesn't mean anything.

Q. But, to your knowledge had you ever heard that name being used to describe you prior to the 1934 strike?

A. No; I didn't write anything.

Mr. Del Guercio: What?

Presiding Inspector: "No, I didn't write anything." [4344.]

By Mr. Gladstein:

Q. When did you first become connected with the ILA bulletin?

(Testimony of Henry A. Schmidt.)

A. Well, immediately when the strike started. I don't recall there being any bulletin put out before the strike; there may have been. But the Strike Committee, as I stated before, elected sub-committees and the Publicity Committee was one of those, so we immediately started putting out a bulletin. Our attempts were to put it out daily. Whether they did that or not I don't recall.

Q. That is, when you first started writing for the ILA bulletin?

A. Yes, to the best of my knowledge.

Mr. Del Guercio: In the first place, counsel has put the words in his mouth; there is no evidence there ever was an ILA bulletin.

Mr. Gladstein: He has testified there was.

Presiding Inspector: I will take it. I don't know whether that was the name that was given to it.

By Mr. Gladstein:

Q. Well, what was the name that was given to it? I think he testified about that last Friday.

Presiding Inspector: Yes. He testified there was a sheet, of course, that they first had mimeographed, then, that they had it printed by the Daily Worker.

Mr. Del Guercio: Western Worker. [4345]

Presiding Inspector: I don't recall the name of the sheet.

By Mr. Gladstein:

Q. What was the name, Mr. Schmidt?

A. To the best of my recollection it was called

(Testimony of Henry A. Schmidt.)

ILA Strike Bulletin. It may have been called Longshoremen's Strike Bulletin, one of the two.

Q. Now, it has been testified in this case that the 1934 strike began on May the 9th and ended on July 31st. Is that in accordance with your recollection?

A. Yes, sir.

Q. During that period of time what committees did you serve on for the union?

A. The Publicity Committee and the Executive Board and the Strike Committee.

Q. What about the Joint Marine Strike Committee?

A. Well, I became a member of that later on when it was set up.

Q. Now, did you attend meetings of all those Committees?

A. All the time.

Q. And where were they held, in what city?

A. In San Francisco.

Q. During that period from May 9th to July 31st was there any period of time during which you were absent from San Francisco? [4346]

A. Yes; sometime in June the Strike Committee sent me to Portland and Seattle.

Q. Do you recall the date of that, either the date when you first left San Francisco or the date when you came back, by any incident that occurred?

A. I certainly don't recall the date that I left but I do recall the date that I returned because I was—I just got here in time to take part in the discussion that took place on the so-called June 16th.

(Testimony of Henry A. Schmidt.)

Agreement which was repudiated by the membership.

Q. Now, do you know when the June 16th Agreement was discussed by the membership?

A. Yes, it was on a Sunday, I believe, either in the evening or in the afternoon.

Q. Well, do you know when with reference to June 16th, Mr. Schmidt?

A. On the day following, June 17th. My best recollection is that as soon as I got off the ferry boat here I went to the headquarters, and, I think, they were just organizing a Strike Committee meeting to discuss this Agreement, and they were going to discuss it in the general membership meeting the day following. That would be June 17th.

Q. Now, do you have any recollection as to how long prior—withdraw that.

How long were you away from San Francisco on that occasion to take the trip to Portland and Seattle that you [4347] mentioned?

A. I was not gone very long; eight or nine days at the most.

Q. Were you away from San Francisco on any other occasion during that strike?

A. I am pretty sure that I was not.

Q. Now, did you see—withdraw that.

In connection with the meetings that you would attend during the 1934 strike while you were in San Francisco on what occasions would you have met Mr. Bridges?

Mr. Del Guercio: What?

(Testimony of Henry A. Schmidt.)

By Mr. Gladstein:

Q. Did you meet him?

A. Well, it seems to me I would see him—I certainly would see him most every day. He was the Chairman of the Longshore Strike Committee.

Q. All right. Now, when there were meetings of the Longshore Strike Committee Mr. Bridges was Charman? A. That is right.

Q. And you were a member?

A. That is right.

Q. At such meetings you saw Mr. Bridges?

A. Surely.

Q. All right; now, any other meetings?

A. Well, when the Joint Marine Strike Committee was set up there was five of us from our Union, delegates to that, and he was one, and I was another. I would see him there. [4348]

Q. Now, did the Joint Marine Strike Committee form before or after the June 16th Agreement?

A. I am pretty sure it was after because I remember now that one of the reasons that it was not accepted by the members is because it provided that we return to work and leave the other crafts out on strike.

Q. When you say "it" do you mean the June 16th meeting?

A. Yes, and since it—a better united front developed between the striking groups. Somebody proposed that a Joint Committee be set up and it was actually organized so, I think, it was after the June 16th Agreement.

(Testimony of Henry A. Schmidt.)

Q. All right. Now, when the Joint Marine Strike Committee was formed you were a delegate to that, were you? A. Yes.

Q. Was Mr. Bridges also? A. Yes.

Q. Did you meet Mr. Bridges at the meetings of the Joint Marine Strike Committee?

A. Well, at least, I saw him there. Yes, I met him there.

Q. How often did your ILA Strike Committee meet? A. Daily.

Q. Did that include Sundays?

A. Yes, frequently there were Sunday meetings but not [4349] always.

Q. Was there a definite routine as to a daily meeting during the week days?

A. Yes sir, my recollection is that in the beginning it met in the afternoon, and then after—no, in the morning, although I couldn't say what time definitely, and then later on after the Joint Marine Strike Committee was organized—no, I am wrong. The Longshoremen's Strike Committee used to meet in the afternoon until such time as the Joint Marine Strike Committee was set up. Then, that started to meet in the afternoon. Therefore, they found it necessary to shift the meeting of the Longshoremen's Strike Committee to the morning hours so that we could first attend the Longshoremen's Strike Committee meeting in the forenoon. Then, in the afternoon we could go to the Joint Strike Committee, but I recall also that sometimes during that strike that Joint Committee met in the evening sometimes.

(Testimony of Henry A. Schmidt.)

Q. What was Mr. Bridges' position on the Joint Committee?

A. I believe, he was Chairman of that, too.

Q. Well, was he, in any event, the Chairman of the ILA delegation to it?

A. Well he was certainly considered the leader of the five delegates.

Q. The five delegates from the ILA? [4350]

A. That's right.

Q. Were there any other meetings at which you met Mr. Bridges during the 1934 strike, that is, meetings that were regularly routinely held during the strike?

A. Oh, you couldn't exactly call them meetings. There might be discussions back in the office with Joe Johnson, the President, and the Secretary. There were meetings when he would sit in with the Publicity Committee sometimes. Life was just one meeting after another during those days. We came up here during the—we came—I think it was in this room—all the strikers' representatives were given an opportunity to testify before the National Longshoremen's Board. We spent considerable time around the Post Office Building here.

Q. This is during the strike?

A. During the strike.

Q. Mr. Schmidt, did you see Harry Bridges in San Francisco every day from May 9th to July 31st, 1934, in San Francisco, with the exception of the period when you took the trip to the north, to Seat-

(Testimony of Henry A. Schmidt.)

tle and Portland, returning on or about June 16th or 17th?

A. Well, I couldn't say that I saw him on Monday, Tuesday, Wednesday and not on Thursday and then again on Friday, I couldn't say that, but if he were absent I certainly would have—it would stand out in my mind because he was— [4351]

Mr. Del Guercio: (Interposing) Now, if your Honor please—

Mr. Gladstein: (Interposing) I don't think he has finished his answer. I think we are entitled to the answer before any motion is made.

Mr. Del Guercio: I move to strike it out.

Presiding Inspector: I don't think he has finished his answer. Go ahead.

Mr. Gladstein: Do you want to have the part of the answer that you have already given read back to you so you can continue?

The Witness: No, that isn't necessary.

Mr. Myron: We might ask to have the question read back and see if the answer is responsive to the question.

Mr. Gladstein: Are you making an objection?

Mr. Myron: I am. Doesn't it sound like an objection?

Mr. Gladstein: Then, make the objection.

Presiding Inspector: He has made the objection that the answer is irresponsive. Now, we will hear the answer over again.

Couldn't you hear the objection, Mr. Gladstein?

Mr. Gladstein: No.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: It is implicit in that he was objecting to it as irresponsible. Now, we will hear the answer.

Mr. Gladstein: I didn't so understand it. [4352]

Presiding Inspector: Beg your pardon?

Mr. Gladstein: I didn't so understand it.

Presiding Inspector: I understood it that way I may be mistaken but I took it that way. I don't think it called for any comment. Now, we will hear the answer.

(The portion of the answer referred to was read by the reporter as above recorded.)

Mr. Gladstein: Now, he is giving the basis of his——

Presiding Inspector: (Interposing) You didn't ask him for the basis.

Mr. Gladstein: I am asking him for an answer.

Presiding Inspector: That question can be answered yes or no, but I don't restrict him to that.

Mr. Gladstein: All right.

Presiding Inspector: Now, what counsel wants to know is: Can you say whether or not you saw him every day except the time you were away during the strike?

The Witness: Yes, I can safely answer yes, but I would like to qualify it if I may.

Presiding Inspector: Yes, go ahead. You have answered it; now qualify it.

The Witness: I would like to qualify it to this extent: If he had been absent I would have noticed

(Testimony of Henry A. Schmidt.)

it because we were constantly associated with one another. We were going from the Strike Committee meeting to the Joint Committee meeting [4353] and doing a lot of things together. If he were absent for one or two days, why, it would stand out in my mind, the same as he certainly knew if I was gone for eight or nine days.

Presiding Inspector: I don't see that it qualifies the answer. It only gives the reason for his recollection.

Mr. Gladstein: I beg your pardon?

Presiding Inspector: It only gives the reason for his recollection which isn't qualifying the answer, but it is an explanation and I will let it stand.

By Mr. Gladstein:

Q. Mr. Schmidt, I want to refer, for a moment, to the article in the People's World. I do not have the date before me. Do you have in mind the one I am referring to, the one which—

A. (Interposing) No.

Mr. Del Guercio: It is in evidence.

Presiding Inspector: The one you said you wrote.

The Witness: Oh, yes, yes; excuse me.

Presiding Inspector: I think he has it in mind.

By Mr. Gladstein:

Q. Do you have that in mind?

A. Yes, sir.

Q. Do you recall the circumstances under which that was written?

A. No, I don't recall writing it. However, after

(Testimony of Henry A. Schmidt.)

reading it, it has to do with the fact that some workers in the [4354] sugar mill up at Crockett were being organized. I believe, *there* were in process of changing their affiliation to the CIO.

Q. Do you remember how you came to write that article?

A. You mean what caused me to start writing it?

Q. Yes. A. I don't recollect.

Q. Do you recall whether you wrote a similar article, or the same article or one on the same subject for any other newspaper or publication?

A. I may have done it but I don't remember.

Q. What has been your practice with respect to writing articles?

Mr. Myron: What type of articles, your Honor? I object to that question.

Mr. Gladstein: Let's ask the general question first.

Presiding Inspector: Do you want to vary the testimony that he has already given?

Mr. Gladstein: No. I simply want to get the practice.

Presiding Inspector: Well, he has given it, hasn't he?

Mr. Gladstein: I don't recall that he has, what he said on that.

Presiding Inspector: I think he said that he dictated to the stenographer and then that she, perhaps, under his direction would send it to different newspapers.

Mr. Gladstein: I had forgotten that testimony.

(Testimony of Henry A. Schmidt.)

You are [4355] correct, your Honor, that does cover the subject.

I don't think I have any further questions.

Mr. Del Guercio: If your Honor please, just bear with me a second or so.

Presiding Inspector: Yes.

Re Cross Examination

By Mr. Del Guercio:

Q. I believe you testified that you didn't begin knowing Harry Bridges until shortly after the 1934 strike; is that correct?

Mr. Gladstein: Could I hear that question again?

Presiding Inspector: I didn't hear it either. Read the question.

Mr. Del Guercio: I will withdraw the question.

By Mr. Del Guercio:

Q. Now, Mr. Schmidt, what is your recollection as to how many of these meetings during the 1934 strike Harry Jackson attended?

A. Harry Jackson didn't attend any meetings, except that when we first set up the Joint Marine Strike Committee he came there. I am pretty sure I explained that here last week.

Q. Well, how many meetings did he attend?

A. I couldn't recall; I don't think more than one. I don't know.

Q. Would you say he attended these meetings every day [4356] of the Joint Strike Committee?

A. Oh, no. I am sure he didn't because the first meeting, or one of the first meetings of the Joint Marine Strike Committee was held on Pier 3. I

(Testimony of Henry A. Schmidt.)

think it was Pier 3, and we had a big argument there, whether or not the delegates from the Marine Workers Industrial Union should be seated, and Jackson was one of them. Now, he may have shown up again at the next one, he may have shown up again at the following one—I don't recall—but eventually the issue was decided that they were not to be seated.

Q. Now how did you vote on that question?

Mr. Gladstein: That has been already asked and answered, your Honor.

Mr. Del Guercio: I don't believe that was.

Mr. Gladstein: I think it is immaterial.

Presiding Inspector: I can't recall it.

A. I believe I voted to seat him.

Mr. Del Guercio: That is all.

Mr. Gladstein: That is all.

Presiding Inspector: Next witness.

(Witness excused)

Mrs. King: If your Honor please, we have a question of law that we would like to take up next, which we can't really get into before lunch. We would prefer, if possible, to adjourn now and come back at ten minutes of two.

Presiding Inspector: What is this, a question of law [4357] you want to take up among yourselves?

Mrs. King: What?

Presiding Inspector: A question of law—

Mrs. King: No; that I want to discuss at the hearing, but I don't believe it can be completed before

lunch. I thought it would be easier to discuss it all at one time.

Mr. Gladstein: This has to do with the order of our case, your Honor, and we would like to present—

Presiding Inspector: (Interposing) I am not going to hold you to any strict rule.

Mr. Gladstein: Well, I think, perhaps, you should hear, at any rate, the point that we wish to make.

Presiding Inspector: Very well.

Mrs. King: The only question, I think, is the question of whether you, your Honor, wishes to hear us now and probably not get finished, or wait until two o'clock.

Presiding Inspector: Oh, I think I better hear you now.

Mrs. King: We can't finish at this time, but if your Honor wishes to hear us now we can at least get started.

Presiding Inspector: Perhaps there will be no differences of opinion on your statement. Let's hear what the secret is.

Mrs. King: Well, I am quite sure that there will be a difference of opinion, your Honor.

This has to do with the testimony of the Court Reporter, Mr. Shoemaker. As your Honor stated earlier this morning, [4358] the fact that a thing has been read into the record does not make it evidence in this case. Now, that is the present situation of the testimony of this Reporter. We should like to argue at this time that this so-called deposition, this question and answer which was sworn to

before the attorney from Portland, should be admitted in evidence at this time.

As your Honor knows, it is almost two weeks now since that testimony was had. As your Honor likewise knows the witness Cannalonga has not been discovered, although—

Presiding Inspector: (Interposing) I haven't heard of his discovery.

Mrs. King: I don't believe he has been discovered because I am quite sure that your Honor would have heard of it if it had happened.

We should like, if it hasn't already been done, at this time to offer in evidence this document which was the question and answer which was taken by the reporter, Mr. Shoemaker, and we believe we have the right to do this under the rules of the Immigration Service.

I am now reading Section 19.6, subdivision (i), reading as follows: . . .

"Hearing; Use of statement or admissions made during investigation. A recorded statement made by the Alien (other than a General Information Form) or by any other person during an investigation may be received in evidence only if the maker [4359] of such statement is unavailable or refuses to testify at the warrant hearing or gives testimony contradicting the statements made during the investigation."

I believe that is all of it that is relevant to this problem.

Now, at this time we wish to present to your Honor the fact that this witness made a recorded statement, a deposition, which we offer in evidence upon

the ground that the witness is unavailable and will not testify, and under the rules of the Immigration Service we believe that we have a right to have that received in evidence.

I think that at the time your Honor made no ruling upon the question and that the only—

Presiding Inspector: (Interposing) You are right about that.

Mrs. King: What?

Presiding Inspector: You are right; I made no ruling.

Mrs. King: And why there was any problem even is that this deposition is hearsay under the rules of common law. Now, as you have so often revealed in the course of this proceeding this is not an action in a Court of Law; it is an administrative proceeding. We have had a witness on the stand and subsequent to that when he was unavailable he made a recorded statement. That recorded statement, we believe, is admissible under the rule that we have just quoted. We believe that it is within our right to have it received in evidence at this time. [4360]

Now, of course, there is no objection—I won't argue the point any further. If this rule is not regarded as sufficient I am prepared to go further into the law, but it seems to me that the rule clearly covers the situation and that under the rule the deposition is admissible and should at this time be received in evidence. [4361]

Presiding Inspector: I suppose that refers to a witness who hasn't been sworn.

Mrs. King: There is nothing in the rule so stating.

Presiding Inspector: Isn't that implicit in the rule?

Mrs. King: I don't believe so.

Presiding Inspector: This man was sworn and cross examined at great length. Now, what induced him to make the statements, if they are contradictory, that he made, and your attempt to cross examine outside of the hearing room, of course, no one can tell. It is not before us. Now, should we take a statement of that kind?

Mrs. King: It seems to me, your Honor, that quite apart from the cases such a statement is within the actual wording of this rule.

Presiding Inspector: I think not.

Mrs. King: And that we are entitled——

Presiding Inspector: It may be within the literal wording of the rule but not, I think, within the sense of the rule.

Mrs. King: Well, then, we come to the problem of the authorities on that and I think it would be more satisfactory to deal with it after the noon recess because they are rather numerous.

Presiding Inspector: I have read some of the authorities. It is a question of fairness.

Mrs. King: That is correct. [4362]

Presiding Inspector: A question of fairness.

Mrs. King: And it seems to me that in order——

Presiding Inspector: You had every opportunity to cross examine this witness.

Mrs. King: Now, before we go into that, I

should like to call your Honor's attention again to the fact that when this hearing was initiated the attorneys for Mr. Bridges requested further time to get prepared; that that time was not given to them.

I don't recall, at the end of this witness' testimony, exactly what the record shows, but I believe that at that time we wished to have him continued to be available because of the fact that we were not completely prepared for the testimony of this witness.

Presiding Inspector: I don't recall about that.

Mrs. King: I would have to refresh my recollection on the record too.

Mr. Gladstein: I could add—

Mr. Del Guercio (Interposing): I don't recall exactly the state of the record on this question, but admissions of counsel show he was available to counsel.

Mr. Gladstein: I can add something at this time.

Your Honor will recall, at the end of this day's session when Mr. Cannalonga finished testifying, we had a chambers conference and at that time I asked that Mr. Cannalonga be made [4363] available in the event we wanted him.

At that time—does your Honor recall—Mr. Del Guercio said in substance that he didn't know where Mr. Cannalonga was; that, in effect—this is what stands out in my memory—in fact, Mr. Del Guercio said he left without even waiting for his check.

Do you recall something like that, your Honor?

I assume that was referring to his witness fees.

I have a recollection of Mr. Del Guercio saying

that and, thereby, explaining that he did not feel that it was his responsibility to continue to make Mr. Cannalonga available to us at some future time.

So, in essence, Mr. Del Guercio said, "I don't know where he is. He left without giving us any address; he didn't even take his witness fees"—and that he just walked out, or something to that effect.

We raised at that time the question of having Mr. Cannalonga available for further examination in the future.

Presiding Inspector: You found him after that.

Mr. Gladstein: Yes; we found him and he made a statement.

Presiding Inspector: You didn't ask him to come here.

Mr. Gladstein: We certainly did.

Presiding Inspector: There is no such statement to that effect so far that I have heard.

Mr. Gladstein: You haven't allowed— [4364]

Presiding Inspector: About him going to this office, and so forth. I recall no statement that you asked—you didn't communicate with the Presiding Inspector, and you didn't ask for any subpoena for him.

Mr. Gladstein: When this matter first came up to us Tuesday morning, I think—it was about two weeks ago, will be two weeks ago tomorrow—

Presiding Inspector: It came up on Sunday morning.

Mr. Del Guercio: Counsel saw him first on Saturday.

Mr. Gladstein: I am referring to the time that it came before your Honor which, I think, was on a Tuesday morning.

Presiding Inspector: I don't know anything about Tuesday.

Mr. Gladstein: It was Tuesday morning when we put a witness on the stand at that time, and there was some colloquy, and I think the record will show that I advised your Honor that I had asked Mr. Cannalonga to come down here and testify and he had refused.

Presiding Inspector: I don't remember that, but it may have been.

Mr. Grossman: The record will show that.

Mr. Gladstein: And that he had refused.

Now, I don't know what burden there was upon me, when my responsibility was such that I had to be back in court on Monday morning. It was a Sunday morning when the deposition was taken. Is it your Honor's contention that the defense bore [4365] the burden on a Sunday of attempting to get hold of Mr. Wixon, and go through the process and procedure that we have had to go through, as cumbersome as it is, and full of red tape, in order to get a witness subpoenaed?

Presiding Inspector: I should think so.

Mr. Gladstein: Why?

Presiding Inspector: That is the arrangement under which this proceeding advances.

Mr. Gladstein: We did it at the first available opportunity, which was on Tuesday.

Presiding Inspector: What about Saturday? You were in conference with him, or someone was, on Saturday.

Mr. Gladstein: We didn't have any subpoena to serve.

Presiding Inspector: You could have asked for a subpoena and it could have been issued.

Mr. Gladstein: How could a subpoena have been issued to us in time? That was Saturday afternoon when I saw him, about three o'clock. Does your Honor realize what it would have required on my part?

Presiding Inspector: It would have required a telephone message.

Mr. Gladstein: To Mr. Wixon on Saturday afternoon. I am rather certain it would not have been possible to have gotten him.

Mr. Del Guercio: On the contrary, we can show that Mr. Wixon [4366] is there 24 hours a day; that he lives there.

Mr. Gladstein: I have tried to get him on other occasions and have not been able.

Mr. Grossman: Mr. Wixon has assured us he cannot issue a subpoena on Saturday afternoon. Mr. Wixon has told us that his office staff is not available and that it cannot be done on Saturday afternoon. It is ridiculous to argue whether Mr. Wixon is there and available on Saturday afternoon or not. If this case is going to be based on that decision, whether he is available there, we can prove that he is not.

There are some important issues at stake, and the issues aren't whether or not Mr. Gladstein should have called Mr. Wixon on Saturday afternoon.

Presiding Inspector: I think that is one issue.

Mr. Grossman: Well, we can put Mr. Wixon on the stand to prove this point, and if he says he can't issue subpoenas on Saturday afternoon that is resolved in our favor. That is one issue.

The second issue is this: Can we have a subpoena issued in regular course when your Honor has ruled that we can't put on the evidence any other way, in due time, which is immediately after we get your ruling, that you wouldn't allow the testimony of Mr. Shoemaker, which could have been allowed in some jurisdiction?

Presiding Inspector: I haven't said that. [4367]

Mr. Grossman: At that time you said, you allowed the introduction of the evidence of Mr. Shoemaker, which was the first time we had a decision by your Honor, a decision not necessary if your Honor had followed certain jurisdictions and—

Presiding Inspector: I am not going to follow the Massachusetts and Main decisions. I am going to follow the Supreme Court of the United States. If I follow any of the legal jurisdictions, I am going to follow the jurisdiction of the Supreme Court of the United States.

Mr. Grossman: Mrs. King is prepared, at the end of this recess, to argue whether or not the law justifies the Supreme Court of the United States in allowing the introduction of that.

All I am saying is this: We, as lawyers, come into court attempting to introduce the testimony of Mr. Cannalunga, rather, the admissions of Mr. Cannalunga, in a certain legal form; a legal form which, I say, is admissible in some jurisdictions—I am not going to argue how many—and at that time we find out for the first time what the ruling of your Honor is going to be. We bring in Mr. Shoemaker at the first available opportunity. You have stated we can prove our case in our own way. Our own way was to attempt to prove the admissions first by the statement of the Notary Public who took it. We cannot be criticized because we didn't do it the way someone else would like to have it done. At the first opportunity to bring Mr. Shoemaker down [4368] we attempted to prove our case, on that point, by Mr. Shoemaker. Your Honor ruled we couldn't prove it in that way. It wasn't an unreasonable position for us to take. Some jurisdictions would have allowed it.

Then at the first opportunity we asked for a subpoena, after that, and then I assume then that Mr. Wixon takes over the responsibility in attempting to serve the subpoena.

There cannot be proved here one moment of delay in attempting to secure Mr. Cannalunga because we have a legal right to start proving the admissions of Mr. Cannalunga, if we wish, by the statement of Mr. Shoemaker. So at the earliest opportunity, after obtaining the statement, we attempted to put on legal proof.

After this legal proof was not allowed to be presented we asked for a subpoena. It cannot be said that we waited for one moment, or delayed one moment in attempting to bring Mr. Cannalonga here.

I say, not as a discussion of the law, because Mrs. King is prepared to argue the law as to our right to introduce the testimony of Mr. Shoemaker, but as a question of fact as to whether we delayed unduly after we got information indicating an admission of Mr. Cannalonga. I say we didn't delay one minute. All we did was to attempt to put on the testimony of Mr. Shoemaker to prove that admission, and having gotten a ruling on that, we attempted to introduce Mr. Cannalonga's testimony by having a subpoena issued for him, and which we had a perfect right to do, as [4369] your Honor will recognize.

Mr. Gladstein: To complete that—

Mr. Del Guercio (Interposing): This is repetition.

Mr. Gladstein: We had Mr. Craycraft also brought down here from Portland and available to follow Mr. Shoemaker on the witness stand, and we had asked Mr. William Lord, the Attorney who swore in Mr. Cannalonga, to come down here also, and he advised us that he was entering the trial of a case that would occupy his attention for about a week; but he would come down at the first opportunity thereafter.

Presiding Inspector: What could he do?

Mr. Gladstein: This all took place in his office.

Presiding Inspector: I don't suppose there is any question about that.

Mr. Gladstein: There is a question raised by Mr. Del Guercio on everything that took place. As a matter of fact, we were charged here, your Honor, and the record will substantiate it, that when Mr. Del Guercio read the deposition he said, "Why, it shows on its face that Mr. Cannalunga was intimidated by defense counsel." I wanted to show from Mr. Lord—I anticipated that something like this would arise from Mr. Del Guercio. We were ready to prove by Mr. Lord just what took place that morning in his office as to whether there was any charge of intimidation.

Presiding Inspector: That wouldn't clear the whole [4370] matter: What may have taken place would only go part way. I don't suppose there is any charge he was intimidated in Mr. Lord's office.

Mr. Gladstein: I don't know.

Presiding Inspector: I think it would be very improbable that they would claim that the lawyers intimidated him.

Mr. Gladstein: If I remember correctly Mr. Del Guercio made a statement, in substance, like this: That if you read Mr. Cannalunga's deposition you can see on its face that I—the defense counsel—had suborned him to perjury. I assume by that that he meant, that he based that statement, or that charge, upon the obvious fact, to him, that Mr. Cannalunga, under oath, had said that he had given false statements to the FBI. I suppose that is the basis of his charge. When a man gets off afterwards and

says, "I lied," and somebody hears him, I suppose that somebody should apologize for being within hearing distance.

Mr. Del Guerci6: That is not the basis of my statement. I will repeat the charge again.

Presiding Inspector: I don't know as charges and countercharges have anything to do with this particular argument.

As I understand it, you offer in evidence the statement of Mr. Cannalonga?

Mr. Gladstein: Yes; the entire deposition.

Presiding Inspector: We may take it as proven here that [4371] a subpoena was issued on Tuesday—was it Tuesday morning?

Mr. Gladstein: Late Tuesday.

Mr. Grossman: Wednesday.

Mr. Gladstein: We had to prepare an application in writing.

Presiding Inspector: Was it Wednesday morning?

Mrs. King: I brought it up here at approximately 9:30 on Wednesday morning, and I believe it was telephoned by you to Mr. Wixon between 9:30 and 10:00 A. M. on Wednesday.

Presiding Inspector: These are very peculiar circumstances. Ordinarily, if there weren't an attempt to get this witness I would say that this statement would be entirely incompetent, and I think it would be unfair to introduce it. But here is an attempt to subpoena this man, and he has removed himself from his usual walks and cannot be subpoenaed.

Now, I think I will receive this in evidence and let it go at that.

Mr. Del Guercio: Over our objection?

Presiding Inspector: Over your objection.

Mr. Del Guercio: And subject, also, to calling Mr. Gladstein as a witness?

Presiding Inspector: Yes; you can call Mr. Gladstein, certainly.

Mr. Myron: This has been referred to as a deposition. It is not a deposition. [4372]

Presiding Inspector: It is a statement.

Mr. Del Guercio: Will the Court take judicial notice of the law of the State of Oregon regarding the administering of an oath on Sunday?

Presiding Inspector: I don't put any stress on it being sworn to. That may be something that goes to its effect, but doesn't go to the admissibility.

(The statement referred to was received in evidence and marked Alien's Exhibit No. 13.)

Presiding Inspector: We will take a recess until two o'clock.

(Whereupon, at 12:42 p. m. a recess was taken until 2:00 p. m. of the same day.) [4373]

After Recess

2:00 O'clock P. M.

Presiding Inspector: In receiving the testimony of the statement given by the Witness Shoemaker—if that is his name?

Mr. Gladstein: Yes, sir.

Presiding Inspector: I will only receive it so far as the former Witness Cannalonga was in the room, not what may have happened after that, showing that he left, and nothing that transpired in his absence. That is simply explanatory. And I will receive it on the ground that it contains contradictory statements, to some extent at least, which tend to impeach the witness, the way any contradictory statements made out of Court have that tendency.

Mr. Del Guercio: And there is our objection not only to the statement—

Presiding Inspector (Interposing): Oh, certainly in every way.

Mr. Del Guercio (Continuing): —but to the form of it in every way.

Presiding Inspector: In every way, Mr. Del Guercio. It is a close point. It is a peculiar situation which has arisen and I am trying to—I will receive this statement as tending to impeach the witness simply in what I can see fairness under all the circumstances which are peculiar. As a strict proposition of law, I think, the statement—under common law rules, I think, the statement is inadmissible. [4374]

Will you stand up and raise your right hand.

SAM KAGEL

called as a witness on behalf of the Alien, being first duly sworn, testified as follows:

The Witness: My name is Kagel, K-a-g-e-l. The first name is Sam. My address is 709 Mission Street, San Francisco, my office address. My home address is 909 San Benito Road, Berkeley.

Direct Examination

By Mr. Grossman:

Q. Will you repeat your full name, please?

A. Kagel, K-a-g-e-l, Sam Kagel.

Q. What is your occupation, Mr. Kagel?

A. I am a staff member of the Pacific Coast Labor Bureau. My work concerns the giving of economical counsel to trade unions only. I represent trade unions in negotiations, in arbitration proceedings, at times in Government hearings such as the National Labor Relations Board hearings or the Railway Adjustment Board hearings.

Our office does research work for trade unions, the type of research that may be helpful in negotiations such as making an actual survey of industries and items of that sort. Our office also maintains an auditing department of trained auditors under the direction of a certified public [4375] accountant, but our auditing work is limited for services to trade unions. We audit books and we help unions put systems into effect to meet their particular type of conditions; if they are a small union, a simple system; if a large union, a little more complicated system, and so on. [4376]

(Testimony of Sam Kagel.)

Mr. Del Guercio: If your Honor please, I move to strike the witness' entire answer as being unresponsive as to the question calling for what his business is.

Presiding Inspector: I think it is intended to be a statement of his business. I will let it stand. It goes into the business of the organization, of course, but I will let it stand.

By Mr. Grossman:

Q. Does your employment also normally call for you to engage in negotiations on behalf of trade unions?

A. A large portion of our work has to do with negotiating on behalf of trade unions.

Presiding Inspector: I think he testified to that.

Mr. Grossman: All right.

By Mr. Grossman:

Q. Now, Mr. Kagel, what is your academic experience?

A. Well, I graduated from the Lincoln School in Oakland, grammar school; then the Oakland High School. Then I entered the University of California. My graduating class was the class of 1929, at which time I received an A.B. degree. I majored in Economics.

I then proceeded to take a year and a half to two years of graduate work in the Graduate School at the University of California, again primarily in the Department of Economics. During a portion of that time I had a teaching fellowship in [4377] the Department of Economics.

(Testimony of Sam Kagel.)

Q. After leaving the University did you hold any state positions?

A. I left the University and I took the place of the Statistician of the State of California, Department of Industrial Relations, for a period of 13 months. The statistician at that time was in charge of a special survey on the problem of unemployment which he was conducting on behalf of the State of California, under the sponsorship of the then Governor Rolph. I took his place and worked here in San Francisco in that particular office.

At that same time I also did some work in the Labor Commissioner's office, which is one of the specific offices under the Department of Industrial Relations.

After that particular experience I intended to return back to school to finish up my work toward a Ph.D. degree. The bank holiday came along, and I was short of money in the first instance, but became a little shorter when some of the funds I had were tied up in the banks, and I did a short piece of work for the California Taxpayers Association. This was a survey of wages paid in private industry in Alameda County for certain types of work, such as stenographic work, mechanics and so on.

It was after I completed that work that I decided to go to work in my present position on a steady basis. I had worked for [4378] the Bureau since 1929 during vacation periods, Christmas vacations, and so on, or on odd jobs. But it was after this

(Testimony of Sam Kagel.)

bank holiday that I took my present position on a full time basis and I have been there ever since.

Mr. Del Guercio: I move to strike out the witness' entire answer as being unresponsive, particularly regarding his intentions.

Presiding Inspector: I don't think they are material enough to even strike them out.

Mr. Grossman: I admit his intentions are not material, but the balance of the answer is.

Presiding Inspector: I don't think what he has been doing is all right.

Mr. Grossman: Yes; as showing his qualifications and experience.

Presiding Inspector: Do you expect to qualify him as an expert? Perhaps you do.

Mr. Grossman: It may relate to expert testimony, but his background principally is what I am concerned with.

By Mr. Grossman:

Q. Have you been, since approximately 1933, employed by the Pacific Coast Labor Bureau?

A. That is correct.

Q. Now, as an employee of the Pacific Coast Labor Bureau have you had occasion to represent, in the ways that you have [4379] stated the union represents the unions, any of these maritime unions?

A. Yes, we have.

Q. Could you state which unions you, yourself, have represented in any of those things that you have just described?

(Testimony of Sam Kagel.)

A. Our office has represented the International Longshoremen's Association, when they were affiliated with the International Longshoremen's Association; it has since represented the International Longshoremen's and Warehousemen's Union; we have represented the Marine Engineers Beneficial Association; the Masters, Mates and Pilots; we have at various times represented the Sailors Union, the Firemen's Union, the Cooks and Stewards Union, and at times the American Radio Telegraphists Association, the old ARTA. We have also represented affiliates of the International Longshoremen's and Warehousemen's Union, such as the Ship Clerks, the Warehouse Union. I believe that is all.

Our office has represented them, and I have personally participated in a number of the direct cases in which the unions were involved, as a staff member of the office.

Q. Have you had occasion, during your work with the Pacific Coast Labor Bureau, to represent unions—put it this way: The unions that you have named, with respect to strikes and during strikes?

A. Well, I represented them in negotiations which at [4300] times culminated in strikes.

Q. Have you represented any of them during strikes?

A. Yes. Once a strike has taken place, since it is inevitable that negotiations must either proceed during that time, or some time in order to end the strike, so that an agreement is arrived at between the parties, usually when such an event takes

(Testimony of Sam Kagel.)

place our representation and work with the union continues until the incident is over and closed and a contract agreed to or some other means of settlement of the dispute, such as either mediation or arbitration is arrived at.

Q. And can you estimate approximately how many unions you personally have represented in these ways since you went to work for the Pacific Coast Labor Bureau?

A. I think it would be a safe estimate to say that I have represented, since I have gone to work, in excess of fifty different unions and have represented these same unions in innumerable times.

Q. Can you state whether your representation of these unions has been solely in San Francisco?

A. No. I have personally represented unions in Tacoma, in Vancouver, B. C., in Los Angeles, in Salinas, in San Jose. I am now working on a case which will take me to Salt Lake City. I have even gone to Chicago before the Railway Adjustment Board to represent unions with headquarters in San Francisco. I have been to New York representing unions. I have also been in [4381] Washington representing unions.

Mr. Myron: May I ask at this time if this line of inquiry is for the purpose of qualifying this witness as an expert in any matter?

Presiding Inspector: I don't know.

Mr. Myron: Otherwise it would be immaterial.

Presiding Inspector: I suppose it is to show his general background.

(Testimony of Sam Kagel.)

By Mr. Grossman:

Q. Now, during this work that you have described thus far, have you had occasion to work with Harry Bridges in such work?

A. In a number of situations; yes.

Q. Have you had occasion to work with Harry Bridges in work done by you for the International Longshoremen's Association?

A. That is correct; I have.

Q. Which bodies of that association?

A. The Warehousemen's Union, Local 6.

Q. Which others?

Q. Well, I worked with him when he was the President of Local 38-79 at the time affiliated with the International Longshoremen's Association, and he was President of the local Union.

Q. With what others? [4382]

A. That are affiliated with the ILWU?

Q. ILA.

A. With the ILA—well, we represented at various times the District or the so-called International itself. In relationship to that type of representation, I had occasion to work directly with Harry Bridges.

Q. All this work that you have just described was done by the organization of which you are an employee?

A. Correct.

Q. By the way, what title do you hold, if any, in your organization?

A. Well, I have been called an Associate Di-

(Testimony of Sam Kagel.)

rector and an Assistant Director; but I am a salaried employee and titles make no difference in that.

Q. Who is Director of the organization?

A. H. P. Melnikow is the Director.

Q. Now, can you name any other unions in connection with work for which you have dealt with Harry Bridges?

A. I have had—as I said a moment ago, I have had occasion to work with Harry Bridges when I was doing work for the Warehouse Union Local 6, and I have also had occasion to work with Harry Bridges when I did work at one time for the San Francisco-Oakland Newspaper Guild.

Q. During any of this time that you have represented these unions has Harry Bridges held a position as Pacific [4383] Coast or California Director of the CIO?

A. He has.

Q. And by reason of such position of Harry Bridges have you worked with him in some of this work that you have done?

A. Yes; it was for that reason that I had contact with him in a situation involving the San Francisco-Oakland Newspaper Guild. This particular situation took place—

Presiding Inspector: (Interposing) Are you interested in this?

Mr. Grossman: Yes.

Mr. Del Guercio: He could have answered that yes or no.

Mr. Grossman: I am interested. It will avoid a question, your Honor.

(Testimony of Sam Kagel.)

Presiding Inspector: Very well, I will take it.

The Witness: (Continuing) It took place in the early part of 1939. The San Francisco-Oakland Newspaper Guild was in negotiations with the four newspapers on this side of the Bay, the Examiner, Chronicle, Call-Bulletin and the News and the Oakland Post Inquirer. The Guild had been established here since 1934 and had developed contracts with the publishers, but in the year 1939 the Guild made a specific request for the so-called Guild shop which, though, it is not exactly a closed shop or union shop, has a similarity to it. In other words, it was a proposal that all employees of the newspaper covered by the contract should be members of the Guild. [4384]

We met with the publishers for some time and we could make no progress. The publishers were represented by the respective—

Mr. Del Guereio: (Interposing) If your Honor please, I would like to interrupt right here. It is apparent it is not responsive to counsel's question.

Presiding Inspector: I don't understand—

Mr. Grossman: (Interposing) I think it is necessary to have the nature of this particular dispute or negotiation brought out thoroughly. It is entirely preliminary. I think it will appear to your Honor why it is necessary to know exactly what the issues were and what the facts were.

Presiding Inspector: I will rely on that. I can't see the pertinence. Very well, go ahead.

Mr. Grossman: Continue, Mr. Kagel.

(Testimony of Sam Kagel.)

The Witness: (Continuing) After some negotiations with the publishers, who were represented by their business managers, and by Harvey Kelly, who was Labor Counsel for all the Hearst Newspapers in the United States, it was apparent no agreement could be reached. A meeting was called in the office of the Guild, the Williams Building, at Third and Mission, at which there were present officers of the Guild and myself, as their negotiator, for the purpose of discussing the next step to be taken. Those of us who were in the actual negotiations felt that the only thing to do would be to take a [4385] strike vote and, if necessary, to actually strike the newspapers.

A subsequent meeting was set at which Mr. Bridges appeared as the representative of the CIO. There was also present an international officer of the Newspaper Guild, and there was a great deal of discussion as to the next step. Mr. Bridges—
By Mr. Grossman:

Q. (Interposing) Just one moment and I will ask you a specific question.

What position, if anything, did Mr. Bridges take at that meeting with respect to whether or not a strike should be carried on by the Guild for their objective of achieving a Guild shop?

Mr. Del Guercio: If your Honor please, I will object to that. It is obviously not a preliminary question.

Presiding Inspector: I can't understand the purpose.

(Testimony of Sam Kagel.)

Mr. Grosman: Your Honor, I would like to say that it obviously is not—there hasn't been sufficient basis laid so your Honor will see the whole picture. I can lay out part of it for you.

If your Honor will recall, various of the Government witnesses, when they took the stand, described what they claimed were the Communist policies, the Communist Party policies in the trade unions. Some of these witnesses for the Government described these policies very specifically. They stated that [4386] these were the Communist Party policies. And one of the Government witnesses, for example, Mr. Gitlow, stated that the Communists left nothing to chance. They arranged all these things in all cases.

Now, among other things, these Government witnesses have stated—I don't say all of them have stated them, but I am going to cite some of those things that specific Government witnesses have stated—Mr. Rushmore stated, for example, that when Communists in the trade unions speak of better wages, better working conditions, they are speaking specifically—I have his quotation here, but I am sure I am summarizing it correct—they have no interest whatsoever in that. They are only interested in using these workers as stooges, that was his work, to achieve their revolutionary aims. Mr. —the man from Milwaukee—Mr. Schnering, testified that he taught Communist theory with reference to what Communists do in the trade unions in a workers school in Milwaukee. He stated that

(Testimony of Sam Kagel.)

Communist theory was to attack as misleaders of labor all labor leaders who told the workers that they could achieve anything substantial by negotiations and by bargaining with their employees. He stated that anyone—I mean, by bargaining with their employers. He stated that Communists are taught that the only way to get anything is not by such collective bargaining, because the workers can't get anything out of that at all, but the only way to get anything—and anyone who advocates anything different in the labor movement is a misleader of [4387] labor—is by carrying out a rigid class struggle policy.

To give you another example, Mr. Diner testified that you can't be a good trade union man and a Communist at the same time.

Now, the purpose of this testimony—and this is obviously only part of it—this one incident is only part of it—is to shew that accepting the definition of the Government witnesses of what Communists do in the unions, what Communists, trade unionists do, what the Communist Party line is in the trade unions, accepting that as true, Harry Bridges did not do those things on one occasion or generally. We can show, in other words, if that is the conduct that Communists carry on in the unions Harry Bridges is not a Communist.

Now, let me point out a little further how it becomes relevant. The Government claims, among other theories—and there are other bases for this relevancy—the Government claims, among other

(Testimony of Sam Kagel.)

things, that Harry Bridges was affiliated either with the Communist Party or an organization connected with the Communist Party. If your Honor please, I don't know if you will or will not accept the definition of affiliation that was accepted by Dean Landis, the Court definition that the Government is attempting to change. It is in substance that affiliation is established by regular cooperation between the individual and the organization so regularly that the organization can reasonably expect such cooperation to [4388] continue.

Presiding Inspector: Of course, that definition may be all right under certain circumstances. It isn't exclusive.

Mr. Grossman: That is correct.

Presiding Inspector: Because there are definitions within the statute itself.

Mr. Grossman: That is correct. I recognize that. That is one of the issues in the case obviously, whether that kind of affiliation has existed.

Presiding Inspector: That is one question.

Mr. Grossman: Obviously, Harry Bridges' primary activity, as the Government will admit, is in the trade unions. Obviously, whether or not Harry Bridges regularly carries out those things that are considered by the prosecution or their witnesses as Communist Party line, as what Communists do in the unions, whether Bridges does those things is relevant to whether or not he is affiliated because, obviously, affiliation by its very nature isn't proved by a nominal membership. It is proved by cooper-

(Testimony of Sam Kagel.)

ation. If we can prove not only that is not true, but the opposite is true of what their witnesses say. Communists do in unions, if the things their witnesses say Communists do in unions are not done by Bridges either as specific examples or as a course of conduct—we can prove both—then, it is quite relevant now as to the relevance of this question and subsequent questions that will deal with the same subject, your Honor. [4389]

Presiding Inspector: Well, of course, under the definition which has been given there may be a proper beneficial purpose for the members of the union as well; that may have been the order. How do we know? Is the fact that he has done beneficial work for his union necessarily inconsistent with the Government's position? If it isn't, it seems to me this testimony is immaterial.

Mr. Grossman: This testimony is going to be broader. This testimony is going to show—take Mr. Schnering, for example. Mr. Schnering testified that—I would like to read you his quotation so there won't be any question.

Presiding Inspector: I have it in mind. You needn't read it.

Mr. Grossman: Mr. Schnering declared—

Presiding Inspector: (Interposing) You said you weren't interested very much.

Mr. Grossman: I beg your pardon?

Presiding Inspector: You said you weren't interested very much in Gitlow or Schnering.

Mr. Grossman: We are for the purpose—

(Testimony of Sam Kagel.)

Mr. Del Guercio: (Interposing) As a matter of fact—

Mr. Grossman: (Interposing) Whether we are interested or not, your Honor, we have a right to assume that the Government's theory as to what Communists do in the unions is expressed by Mr. Schnering. Now, Mr. Schnering stated, for example, that Communists definitely taught that, and it was the [4390] Communist Party theory that workers can gain nothing by sitting down at a table and bargaining collectively in an amicable fashion, and that from this no benefits could result to the workers.

Now, we don't intend to prove that Mr. Bridges merely made such statements. We intend to prove that Mr. Bridges acted in such a way as is completely inconsistent with the holding of such views or the carrying out of Communist policy in the unions. We intend to show that in so far as these actions of his were reflected by statements, those were his statements. In other words, we are prepared to show, in opposition to what Mr. Diner says, or rather, assuming that Mr. Diner is telling the truth, that Bridges was a good union man in the sense that it is generally understood, therefore, couldn't be a Communist. That is one of our points. Further than that we intend to show that these very things Schnering says Communists called men misleaders of labor for advocating these very same things, Bridges consistently, over a long period of time, not only advocated but carried out. In

(Testimony of Sam Kagel.)

other words, it is broader than the statement your Honor made.

Presiding Inspector: What do you have to say about this, Mr. Del Guercio?

Mr. Del Guercio: Well, if the Court please, in the first place, counsel's summary is argumentative.

Presiding Inspector: Of course, it is argumentative. [4391] This is argument.

Mr. Del Guercio: Of what the witnesses have testified to. That isn't the Government's theory at all. The Government's theory is first: That Harry Bridges is a member of the Communist Party. The evidence has all been directed towards that point. Secondly, he is affiliated with the Communist Party through, of course, the Marine Workers Industrial Union, his actions soliciting members to join the Marine Workers Industrial Union. Thirdly, his conduct throughout a period of years by meeting with known-Communists at secret meetings, closed meetings, his attendance particularly at the convention of the Communist Party there at Fresno, California. That evidence has not been contraverted.

Now, that, as distinguished from a meeting, was a convention of the Communist Party open only to delegates of the Communist Party, not to trade unionists.

Now, counsel's argument here as to his theory, his interpretation as to what Schnering and Gitlow and others may have said, I think, is a little facetious. We have in the record here, of course, offi-

(Testimony of Sam Kagel.)

cial statements of the Communist Party as to how they work, what their purpose is in getting into trade unions, the boring from within, and obviously in order to succeed in such a movement the Communist Party must of necessity do, or make the people believe that they advocate some of these things. That doesn't prove anything in itself at all. Certainly, they advocate better wages, [4392] or publicize that they advocate better wages and better working hours for the working class. That is part—it is shown by their own literature—that is part of their scheme, their plan, their policy.

Presiding Inspector: In other words, it is not inconsistent with the Communist affiliation or membership?

Mr. Del Guercio: Not at all. They are creating, all the time creating situations. Now, how are they going to create these situations? First of all they have got to get control of the trade unions. They admit that in their writings. They have got to get control of the unions, not control merely of a minority but an absolute control of the unions before that situation can be created, that is, a situation for a revolutionary struggle. They have got to get control of the unions and that is what they are doing now. The situation has not arisen yet, or the time isn't ripe for the revolution or for the class struggle. They haven't gotten control of the trade unions, please the Lord, yet.

Mr. Grossman: This is something else——

(Testimony of Sam Kagel.)

Mr. Del Guercio: (Interposing) It isn't inconsistent at all with our theory of—

Presiding Inspector: (Interposing) Well, there hasn't been any evidence, has there, that he has done, that Bridges has done anything contrary to the interests of the unions of which he has been an officer? [4393]

Mr. Grossman: Well, now, your Honor, there was, as your Honor will recall, not only—your Honor, in the first place, various of the Government witnesses said that Bridges—what Bridges did, the things he did in the trade unions were harmful to the labor unions. That is one thing. Mr. Lawrence stated that for one. Mr. Wilmot, I believe, stated that for another. Secondly, we have—

Presiding Inspector: (Interposing) Well, they stated their personal beliefs.

Mr. Grossman: Yes, I understand.

Mr. Del Guercio: To show bias, if the Court please.

Presiding Inspector: You brought out their personal beliefs.

Mr. Grossman: Let me continue. Excuse me.

Presiding Inspector: That is, control was a bad thing for the unions, but that was not founded upon any particular facts.

Mr. Grossman: I don't know whether they were or not.

Presiding Inspector: You asked for them as bearing on bias, as I recall, to show why they should testify.

(Testimony of Sam Kagel.)

Mr. Grossman: All right, let me continue. Mr. Diner—

Presiding Inspector: (Interposing) Well, I don't want to continue unless we are at one.

Mr. Grossman: I don't know whether they had a basis—

Presiding Inspector: (Interposing) Wasn't that the only [4394] basis on which the questions were asked?

Mr. Grossman: That may be why we asked the question. That may not be the reason why the—

Presiding Inspector: (Interposing) That is the only reason, I believe I received it, the only inference it has on the case.

Mr. Grossman: Let's assume that. Let me go to the other point which is clear-cut. Mr. Diner stated—this is not subject to interpretation because it is so clear—Mr. Diner stated in answer to the question, "You mean you cannot be a good trade union man and a Communist at the same time?" His answer was "You cannot."

Presiding Inspector: Who asked the question?

Mr. Grossman: Page 889; I am certain it was the Government. It is only my recollection. But, as I said, the page of the transcript is 889.

Now, that is not subject to the interpretation that Communists can go into the unions and do everything that is good for the workers on the theory of something that is going to happen in the future. That definitely cannot be interpreted that way. Secondly, Mr. Del Guercio makes a distinction, what

(Testimony of Sam Kagel.)

a Communist is supposed to do before he gets control of the trade union and what he does after that.

Now, your Honor has listened to all this testimony. I am sure you are quite aware of, at least the substance of what [4395] has been said, and the substance of what has been said is this: That Communists believe that the trade unions and their members are something to be used as a revolutionary force. They are to be given by the Communists political, let's say political pushes, political experience, they are to learn through strikes; they are to go into strikes so that they will become part of the revolutionary movement, or something like that. That is obviously the theory of the Government.

Now, we are going to show that in so far as that is a charge, and it definitely is, that Communists believe in many times strike for strike's sake believe in putting the workers into certain activities for the purpose of helping a revolution, which activities are not justified exclusively by improvement of the workers' wages, hours and working conditions—we are going to show in so far as Communists believe that, or if they do, Bridges is not a Communist. He doesn't do that. In other words, our proof is going to go further than that Bridges was active for the union; our proof is going to show on many, many occasions not only did he not advocate strikes when strikes could have been put over, when he wouldn't have lost any support by the workers, but on many occasions he actively opposed the negotiating committees, the unions, themselves, if he thought the

(Testimony of Sam Kagel.)

strikes weren't at that time just the thing to help the workers. In other words, these [4396] examples we are going to give, and this first one is going to be a good one for that, to show that Bridges' only interest in the strike situation, or the situations which might have led up to strikes, his only interest—and it is absolutely exclusive of any possible interest in educating the workers politically or making revolutionists out of them—was to do what was best for the workers. If he thought a particular strike was not beneficial he even opposed and opposed actively the other members of the negotiating committee, the union itself, and the other union officials for that policy. That may not be conclusive; we recognize that. It is certainly some evidence.

Let me make one other argument. Let's forget the affiliation. Certainly, it is some evidence as to whether Bridges is a member of the Communist Party. If over a period of time consistently he does things which are not consistent with Communist Party theory in the unions I don't say that completes the detail of the affiliation or the membership but it is certainly some evidence. Acting contrary over a long period of time in specific instances or habitually—we can prove both—to the way they say that Communists act and Communists believe unionists should act is certainly some evidence for that additional reason. [4397]

Presiding Inspector: I won't receive it at this time—I may later—the individual instances. Go to

(Testimony of Sam Kagel.)

the general ones and then we will see about the individual instances later.

By Mr. Grossman:

Q. Mr. Kagel, can you state whether, over the course of your acquaintanceship with Harry Bridges and your contact with him in connection with negotiations, whether he ever took a position in favor of a strike that was not exclusively to be justified on the basis that it would improve the wages, hours and working conditions of the workers involved?

Mr. Del Guercio: Now, if your Honor please, I object to the question. First, it is so long that I cannot follow it without reading it two or three times. I object on the further ground that Bridges' stand on a particular strike situation is immaterial in this case. The evidence shows, and the Government has shown, that the Communist Party has one basic policy, and that is to overthrow the Government of the United States and the substitution of a dictatorship of the proletariat. Now, how is it to arrive at this ultimate object is another matter? We have shown that they have various methods. Boring from within by trade unions is one method. We have shown that they do not intend, or will not proceed with their ultimate object until they have created a certain situation. Now, that situation, obviously, has not arrived yet or we would have had a dictatorship of the proletariat. [4398] They are still working toward it. Now, anything that individual

(Testimony of Sam Kagel.)

members of the Communist Party may have done is, of course, not indicative of what they will do in the future.

We have shown that the Communist Party, and we have evidence here, and it is uncontroverted as yet, that they believe and teach a policy of hypocrisy and deceit. That is one of their policies, one of their doctrines, one of their precepts.

We have shown that they have changes of policy, that they have no inflexible policy with regard to trade unions; that they change from year to year.

Notice, for instance, the Trade Union Educational League. There is evidence in the record here to show that at one time, on orders from Moscow, it was decided to form a Trade Union Educational League for the purpose of setting up unions under the direct control of the Trade Union Educational League, which was an affiliate of the Red International of Labor Unions, instead of having their Communist Party members in the American Federation of Labor Unions. They carried that out for a number of years. It did not succeed. They changed their policy and then instructed their men to go into bona fide trade unions, like the American Federation of Labor, and other unions, and to work from within those unions, not openly, but secretly.

Now, it is obvious that if a person, and a Communist, gets [4399] into a trade union secretly that he is not going to advocate openly what the Communist Party has instructed him to do. It is obvious that that person, once he gets into that union,

(Testimony of Sam Kagel.)

will work secretly, and will openly avow that "I am for the working man, I am a great union leader, I am working for higher wages, and better working hours for the working class." That is to be expected, to be expected until such a time as that man, who has been working all this time secretly in the labor unions as a Communist has created that situation where the Communists can say, "I now direct you to proceed toward the ultimate object of the Communist Party."

Now, the testimony of the witnesses here, the Government witnesses, and the publications of the Communist Party that we have offered in evidence, is not inconsistent. As a matter of fact, it supports it, and it gives no support, I believe, to counsel's argument.

Mr. Grossman: May I say this, briefly, your Honor: Accepting Mr. Schnering's testimony as true, what Mr. Del Guercio says is simply this, which I think is its own answer: Mr. Del Guercio says that his position is that the Communist Policy would be for a trade union leader to go into a trade union, become active in those unions, and act in such a way that the Communist Party would have to call him as mis-leader of labor, because Mr. Schnering stated definitely that Communists, in their schools, teach that every one who does [4400] certain things, which we are going to prove Harry Bridges did, is not only one, but is regularly called a mis-leader of labor by the Communist Party.

That is a ridiculous conclusion; that the Commu-

(Testimony of Sam Kägel.)

nists would send to the unions their men and have them act in such a way as called mis-leaders of labor. It may be true, but certainly it is not a logical conclusion, and I think not justified and reconcilable with the statement given by Mr. Diner or Mr. Schnering.

Presiding Inspector: Isn't it perfectly evident that an officer of the trade union has got to so act as to keep the favor of the members of the Union? That would be self-evident, wouldn't it?

Mr. Grossman: It doesn't follow. We intend to show that Mr. Bridges, in the course of his conduct in favor of collective bargaining, was using strikes only as a last resort, very often not only opposed the leadership of a union's Negotiating Committee, but very often the membership itself.

Presiding Inspector: Supposing that is all so, it was for the good of the union, wasn't it?

Mr. Grossman: Correct.

Presiding Inspector: Isn't that the aim of the member of the Communist Party who is in the union, to enhance the strength of the union until they can take it over?

Mr. Grossman: According to Mr. Del Guercio.

[4401]

Presiding Inspector: And even after that, until the time when this revolution that we have heard so much about is thought ripe?

Mr. Grossman: According to Mr. Del Guercio's theory Mr. Bridges has already taken over his union.

(Testimony of Sam Kagel.)

Now, the question is this. According to this theory Communists wish, in unions, to provoke the class struggle, to tell the workers, "You can't really get anything out of negotiations and collective bargaining."

Certainly, under this theory, if a Communist is in a position of leadership in a union and can get the workers to go out on strike, even though it wouldn't be a good strike, without losing any support from the membership, he would continue to do so.

But we can show that Mr. Bridges even opposed the membership if he thought a strike wasn't appropriate, which is certainly inconsistent with any theory that he is carrying out a Communist Party policy, because he would have had even the support of the membership in a policy they would call a Communist Party policy, and the only logical conclusion to be drawn from that is that he isn't carrying out any Communist Party policy, but the reverse and he is even doing what the membership at that particular time—they may understand later that he was right—but even doing what the membership at that particular time doesn't understand, arguing with them, in order to carry out a policy that [4402] the Communists wouldn't agree with.

Mr. Del Guercio: The argument to that is that he is carrying on a policy of hypocrisy and deceit.

Mr. Grossman: If it is a policy of hypocrisy and deceit to do something under their theory, it is not a Communist Party position. That is the point I am

(Testimony of Sam Kagel.)

making. If they wanted to say Communist carry out a policy of hypocrisy and deceit in order to carry out a Communist Party position, they have to stick by it.

We intend to show though he had an opportunity in many cases to carry out what they said is the Communist Party position, though he may have hurt himself by not doing it, he didn't do it.

Presiding Inspector: Do you mean to say we can go into the question of the whole conduct of Mr. Bridges' trade union life here in order to disclose whether or not he acted in the interests of the men in his union?

Mr. Grossman: I say definitely not only can we, but we must.

Presiding Inspector: It will exclude this from this point on.

Mr. Gladstein: Before you make a definite ruling—

Presiding Inspector: I have excluded it. Go on to something else.

Mr. Grossman: Then I understand that I am entitled to go into the general conclusions of this witness; if not specific [4403] at least general.

Presiding Inspector: I am going to let you go into this generally, so as to shorten this, but we are not going into the entire life of this man as a trade unionist to determine this particular question.

Mr. Grossman: I understand I can do it by general questions.

Presiding Inspector: I am going to let you, in

(Testimony of Sam Kagel.)

a general way, show that he has acted—I think it is implicit and what we all know, and can almost take judicial notice of, that is, that he has worked for the interests of his union as he has seen that interest.

Mr. Grossman: But he has done certain things that are inconsistent with what they call the Communist Party policy.

Presiding Inspector: We can't raise an issue of every particular act in this man's life.

Mr. Del Guercio: The Government doesn't contend that Bridges hasn't done certain good things. That has never been our contention.

Presiding Inspector: The Government wouldn't have been willing to have consented that he preside at the conference recently held in Los Angeles if it took any such extreme view of the conduct of Mr. Bridges.

Mr. Del Guercio: That is correct. The Government would have had him in custody. [4404]

Presiding Inspector: Yes. I think it is perfectly clear that we may recognize Mr. Bridges is an excellent trade union leader.

Mr. Grossman: May I proceed?

Presiding Inspector: Yes. You don't want to take that admission of counsel?

Mr. Grossman: It is not a sufficient admission. If Mr. Del Guercio will admit Mr. Bridges has never, has continually failed to carry out the Communist Party line, or the Communist Party policy in unions, I will accept that.

(Testimony of Sam Kagel.)

Mr. Del Guercio: Certainly not.

Presiding Inspector: They couldn't do that. Your witness from Los Angeles, Mr. Horn, said he made a rather Communistic speech.

Mr. Grossman: He didn't say that.

Mr. Del Guercio: He said it was innocuous.

Presiding Inspector: Yes; an innocuous speech, rather along what he understood was Communistic.

Mr. Gladstein: No, he didn't say that.

Presiding Inspector: We will look it up. I haven't attempted to quote the language.

Mr. Myron: He said it was tinged with Communism.

Mr. Gladstein: I was asking about the phraseology and—

Presiding Inspector: It wasn't about phraseology.

Mr. Gladstein: It is my recollection that he said it was [4405] mildly tinged with that line, or with that phraseology?

Presiding Inspector: No. It wasn't about phraseology.

Mr. Gladstein: We can look at the record.

Mr. Del Guercio: As I recall the testimony, the witness, Horn, first testified on direct examination that Harry Bridges' speech was innocuous. On cross examination he admitted he told the officers who interview him that Harry Bridges' speech, this same speech, was tinged with Communism. He also stated that it was the custom of these Communists—not, of course, open Communists—to attack con-

(Testimony of Sam Kagel.)

servative labor leaders by referring to them as fattened royalists, or whatever they are, and then admitted later on, at least inferentially, that Bridges used the same expressions.

Presiding Inspector: We can look that up. Everyone's memory is subject to error.

By Mr. Grossman:

Q. Mr. Kagel, can you estimate on about how many different occasions you dealt with Mr. Bridges in connection with union negotiations?

A. Well, I think that would be difficult because the negotiations themselves might be a continuous one, yet broken by recesses, and would spread over a long period of time. But I worked with Mr. Bridges in the 1934 strike on the waterfront; I had to do with him when he went to arbitration after that strike in preparation of a case; I handled one or two matters [4406] that went to arbitration after the 1934 award.

Q. About how many?

Presiding Inspector: We are having a long speech here.

The Witness: I don't want to make a long speech.

Presiding Inspector: Can't you say how many—if you don't know, say so.

A. (Continuing) I guess around 15 or 25.

Presiding Inspector: We want something better than a guess.

(Testimony of Sam Kagel.)

By Mr. Grossman:

Q. Would it be 20?

A. I think at least 20; yes.

Q. Now, during all this contact with Mr. Bridges on these negotiations, and all your other contacts with Mr. Bridges, has he at all times been a good trade unionist?

Mr. Del Guercio: If your Honor please, I will object to the question as being immaterial and irrelevant to the issues in this case, as to whether he is a good trade unionist or not.

Mr. Gladstein: They raised the question by direct questions of their witnesses, your Honor.

Mr. Del Guercio: Only as a Communist. If it is admitted that Harry Bridges is a member of the Communist Party then I will say the question is proper. We have said that a Communist cannot be a good trade union man and we still stick to that. If counsel wants to admit, or concede, that Harry Bridges [4407] is, as we have shown, a member of the Communist Party, then that evidence is admissible.

Mr. Gladstein: That is a lesson in logic, I take it.

If the Government can ask their witnesses, "Can a Communist be a good trade unionist?"—the expression "good trade unionist" obviously is not the most precise thing in the world but, nevertheless, the Government introduced it—if they got an answer from their witnesses then we have a right to ask our witnesses, "Is Harry Bridges, or has Harry

(Testimony of Sam Kagel.)

Bridges been a good trade unionist?" We can use that same expression. If their witnesses say that Communist Party membership is inconsistent with being a good trade unionist—one of the methods of our defense is to show that Harry Bridges has been not only a good, but an excellent trade unionist.

What is this one-sided arrangement that Mr. Del Guercio thinks he has a right to put in here? He has a right to ask witnesses, and bring out answers, that Communist Party membership and trade unionism are inconsistent with each other. That is, you cannot be a good trade unionist and also a Communist. Now, he doesn't want to allow us to prove that Mr. Bridges has been a good trade unionist, and by reasoning; therefore, your Honor is entitled to draw the inference that he couldn't have been a Communist, according to the Government's own witnesses.

Presiding Inspector: I don't think that follows.
[4408]

Mr. Gladstein: Why doesn't it?

Presiding Inspector: It might show that he was a bad Communist.

Mr. Gladstein. Even that would be relevant, from our point of view, for this reason:—

Presiding Inspector: I don't see that that would be relevant at all.

Mr. Gladstein: When you take into consideration the testimony of Mr. Gitlow, and other witnesses, about how the Communist Party works, and how everything is arranged in advance, and there is

(Testimony of Sam Kagel.)

absolute discipline and you must obey, and Mr. Honig testifies that orders, once they are handed down from above, are mandatory on every member, they have got to carry them out, then that is something for your Honor to take into consideration as to whether these——

Presiding Inspector: But you confuse omnipotence with omniscience. The Communist Party may not know everything, although it has power to do everything, according to these witnesses. You are going to concede that argument, I suppose, that if he had disobeyed their orders he wouldn't remain a Communist, if he ever was a member of the Communist Party.

Mr. Gladstein: That would seem to be quite obvious; or there wouldn't be any such affiliation over this period of time.

Presiding Inspector: He may not know about these acts. [4409]

Mr. Gladstein: We want to show that these acts, this conduct of Mr. Bridges, has been open, that it is a matter of public record, and before this case is over we will prove, not in one case, but in many cases, that witnesses for the Government have said, for example: That the Communists in a certain meeting laid down a certain policy for Harry Bridges to follow on a certain subject matter, and that was mandatory on him; that the witness, Honig, testified to matters of that kind and other witnesses. We will show you, by matters of public record, that those were not the truth and that Harry Bridges

(Testimony of Sam Kagel.)

stood up publicly in his union meetings and conventions and advocated exactly the opposite.

Now, how does that comport with the theory of Mr. Del Guercio that since 1932 Harry Bridges has been, and now is a member of, or affiliated with the Communist Party? Especially, when we can show your Honor instance after instance where he has not only not advocated or carried out the Communist Party policy, but has done exactly the opposite.

Presiding Inspector: How do you know what the Communist Party policies are?

Mr. Gladstein: Their witnesses have told us and that is the only thing in the record.

Presiding Inspector: You mean only in general.

Mr. Grossman: I don't see how you can be any more specific because there are certain things which everyone in the [4410] trade union movement understands the meaning of. Mr. Schnering referred to those words. Mr. Schnering referred to whether it was possible for workers and the employers to sit down at a table and bargain collectively in an amicable fashion, and that that would result in benefit for the workers. Every one of those things is very tangible. He said, "We taught our students that this was the most dangerous pitfall of all."

You can't be more specific. That is not being general. Their witnesses say that doing things like that makes one, and the Communists pointed out, as Mr. Schnering said, that person out as a misleader of labor. That is being specific.

(Testimony of Sam Kagel.)

I agree with them very generally in some of their statements, but statements like this are not subject to being passed over as being so general that we can't find out whether Bridges' conduct is and has been inconsistent with it.

Mr. Del Guercio: We might answer that by saying—

Mr. Goodwin: Your Honor—

Presiding Inspector: One at a time, please.

Mr. Del Guercio: If they can show us one instance—we will admit all of counsel's argument—that the Communist Party has ever called Harry Bridges a mis-leader of labor, we would like to see it. That is not the point.

There is one other matter referring to Mr. Gitlow's statement that Mr. Gladstein so conveniently forgot, and that is a reference to, I believe it was Foster and Browder. Nobody [4411] denies, not even Mr. Gladstein, I don't think, that Mr. Foster and Mr. Browder are two of the leading characters in the Communist movement in the United States. It will be remembered that Gitlow's testimony—and Gitlow's testimony remained unchallenged—brought out that for a period of years Foster and Browder, like Harry Bridges—

Mr. Grossman: (Interposing) Did what?

Mr. Del Guercio: (Continuing) —was not revealed as a member of the Communist Party.

Mr. Gladstein: Did Mr. Gitlow testify to that?

Presiding Inspector: I don't remember.

Mr. Gladstein: Did Mr. Gitlow say that Earl

(Testimony of Sam Kagel.)

Browder, like Harry Bridges, was not revealed as a Communist Party member?

Mr. Del Guercio: Counsel understands what I mean perfectly if the Court please.

Presiding Inspector: The likeness of Mr. Bridges is interposed in explanation of what he said.

Mr. Goodwin: Is it counsel's position on the other side that they are sustaining the proposition that it is impossible for a man to be, as Mr. Diner testified, a good trade union man, and at the same time a member of the Communist Party?

Presiding Inspector: I suppose so.

Mr. Goodwin: If that is their position in this case—

Presiding Inspector: That is the major premise on which they base the question of the admissibility of this evidence. [4412] They say it is impossible, because it has been stated by some witness, for a man to be both a good trade unionist and a Communist.

Then their minor premise is Mr. Bridges, to be brought out by this witness and other witnesses, is a good labor union man, and they seek to draw the conclusion that he couldn't be a Communist.

Isn't that it?

Mr. Grossman: That is correct.

Mr. Gladstein: Part of it.

Mr. Goodwin: Are you accepting that proposition?

Mr. Grossman: We are accepting no proposition. Judge Goodwin, as a lawyer, knows we have a right

(Testimony of Sam Kagel.)

to assume the Government has not proved their case. We have a right to assume that a portion of the testimony of one of their witnesses is correct. Obviously, in order to show that, assuming that to be correct, we have a right to do it. They definitely haven't proved their contention in this respect, but we can prove the contrary. We have a right to do that without admitting anything; and the Judge knows that.

Presiding Inspector: Yes, providing the Government did ask about whether he was a good trade unionist, or something of that kind. [4413]

Mr. Grossman: Page 889, your Honor.

Presiding Inspector: Get me that volume, please.

Mr. Goodwin: It seems the question is this: Has Mr. Bridges been a member of the Communist Party, not whether while being a member of the Communist Party he has been a good trade unionist, or whether he has been a good Communist; but was he or was he not a member of the Communist Party?

Now, if you are going into such an inquiry as this as to whether he was entirely consistent at all times with the theory of some of the leaders of the Communist Party, we get into something that is very far afield.

Presiding Inspector: We will try not to get too far afield.

(Whereupon the Presiding Inspector referred to a copy of the transcript.)

(Testimony of Sam Kagel.)

Yes, Mr. Del Guercio questioned along that line.

Mr. De Guercio: If you will read just prior to that you will see what brought that out. The question was brought up about the disciplinary committee of the Communist Party.

Presiding Inspector: Yes.

Mr. Del Guercio: His testimony was because he refused to do what the Communist Party had told him to do, that is, to give jobs to Communist Party members in preference to those that were already on the waiting list.

Presiding Inspector: He states it very broadly here. [4414]

I will take the testimony over your objection. Of course, this was in relation to minor matters that he testified to.

Mr. Grossman: I don't care whether they were minor matters or not, we have a right to assume it is true.

Presiding Inspector: Go ahead. I will allow this, although the effect of it still remains for the trier of the fact.

Mr. Gladstein: What?

Presiding Inspector: The effect of it, the conclusions to be drawn from it, conclusions of fact, remain for the trier of the fact.

Mr. Gladstein: Yes.

By Mr. Grossman:

Q. Mr. Kagel, during your contact with Harry Bridges, in connection with trade union activities

(Testimony of Sam Kagel.)

and trade union negotiations, has he at all times been a good trade unionist?

Mr. Del Guercio: If your Honor please, I object to that question as calling for a conclusion of the witness,

Presiding Inspector: It does, but I will take it.

A. In those cases where I have had direct contact with Harry Bridges on matters pertaining to his own union and to those other unions where he had an official capacity to be in, I have found him to be definitely a good and determined trade unionist.

Mr. Del Guercio: If your Honor please—

[4415]

Presiding Inspector: I will let it stand for whatever it is worth.

Mr. Del Guercio: I think that the witness should be instructed to answer, whenever possible, "Yes" or "No", that is, when a questions calls for a "Yes" or "No" answer, and not go into a story and start relating, like other witnesses have done. It seems to be typical. I think we are wasting time and unnecessarily clouding the record with all of these stories.

Mr. Grossman: I remember when Mr. Diner went on for about ten minutes, and I finally asked him whether this wasn't irrelevant, he asked me the question, and then he answered it and then said, "I didn't mean to answer that way because my answer is the other way." I did my best to cut him short.

(Testimony of Sam Kagel.)

Presiding Inspector: I will let the answer stand. Ask the next question.

Mr. Grossman: May we have the afternoon recess?

Presiding Inspector: A short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: Ask your next question.

By Mr. Grossman:

Q. Mr. Kagel, at any time in your trade union contacts with Mr. Bridges did he seek not to better the conditions of the workers, but rather to recruit them into the Communist Party and prepare them as stooges for the proletarian revolution? [4416]

Mr. Del Guercio: I object to the question.

Presiding Inspector: I will sustain the objection. You have had the fundamental question answered.

Mr. Grossman: I think there is a difference between statements, your Honor.

Presiding Inspector: I don't see it.

Mr. Gladstein: One of the Government witnesses testified that the purpose of Communist Party membership in a trade union is to so conduct himself as would be inconsistent with a sincere purpose to better the conditions of the American workers.

Presiding Inspector: He testified that, in his judgment, he has acted throughout as a good trade unionist. This is only a detail.

Mr. Gladstein: That only happens to be one statement.

(Testimony of Sam Kagel.)

Presiding Inspector: I am not going to receive it. Go ahead. I think you have the full benefit.

Mr. Grossman: May I have the last question read?

Presiding Inspector: Yes.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: That is on the ground that you assume something directly opposite to what this witness has testified to.

Mr. Grossman: I would like to — [4417]

Presiding Inspector: That is, that he acted not as a good trade unionist. His testimony is that throughout he has acted as a good trade unionist. There is no basis in the testimony of this witness for that question.

Mr. Grossman: Your Honor has ruled and that is final on that.

Presiding Inspector: You can ask the last part of the question alone without reference to his being a good trade unionist.

Mr. Grossman: I will ask that.

Presiding Inspector: You can ask him if he ever acted as a stooge, in his judgment.

By Mr. Grossman:

Q. During the course of your contacts, your trade union contacts, with Harry Bridges did he ever, to your knowledge, act in such a way as to recruit the workers into the Communist Party and to prepare them as stooges for the proletarian revolution?

A. Never.

(Testimony of Sam Kagel.)

Mr. Del Guercio: I object to that, your Honor, unless they intend to qualify this witness as an expert on Communism and he admits that he has been in the Party and knows just what he Communists do along that line.

Presiding Inspector: I don't think that is necessary. I will let the answer stand. [4418]

Mr. Grossman: If an expert is needed—

Presiding Inspector: Go ahead.

By Mr. Grossman:

Q. During the course of your trade union contacts with Harry Bridges did he ever take the position, or act in accordance with such a position, that workers and employers cannot sit down at a table and bargain collectively in an amicable fashion and have it result in benefits for the workers?

Mr. Del Guercio: I will object to that, your Honor, as immaterial and irrelevant.

Presiding Inspector: I will take that.

A. He never has. But to the contrary—

Presiding Inspector: That is all.

By Mr. Grossman:

Q. Has he ever acted to the contrary?

A. No.

Q. Has he, during the course of your trade union contacts with him, continually bargained collectively with the employers in an amicable fashion resulting in benefits for the workers involved?

Mr. Del Guercio: I object to that as incompetent and irrelevant.

(Testimony of Sam Kagel.)

Presiding Inspector: I will take it.

A. In actual negotiations the answer is "Yes."
[4419]

By Mr. Grossman:

Q. In the course of your trade union contacts with Mr. Bridges, did he ever take any action that was inconsistent with the best interests of the workers, best economic interests of the workers that were involved?

Mr. Del Guercio: I will object to that as irrelevant and broad.

Presiding Inspector: It is pretty broad. That is, as he saw it.

By Mr. Grossman:

Q. As you saw it, Mr. Kagel?

A. In the final analysis as it has turned out, the answer would be "Yes," because there have been times when I disagreed with Mr. Bridges on matters pertaining to negotiations, or the handling of situations.

Q. Did Mr. Bridges ever, in the course of your trade union contacts with him, act in a way that was consistent with—withdraw that. During the course of your trade union contacts with Mr. Bridges did he ever take any action along the— [4420]

Mr. Del Guercio: (Interposing) I will object to that.

Mr. Grossman: Just one moment.

Presiding Inspector: He has not finished the question.

(Testimony of Sam Kagel.)

By Mr. Grossman:

Q. During the course—withdraw the question that I started to ask.

During the course of your trade union contacts with Harry Bridges was there any conduct of Mr. Bridges which appeared to you to be in support of the policy of a strike for a strike's sake which was not justifiable because of the economic advantages to the workers involved?

Mr. Del Guercio: I will object to that.

Presiding Inspector: I will take it.

A. My answer is no.

By Mr. Grossman:

Q. During the course of your trade union contacts with Harry Bridges was there any action of Mr. Bridges along the line of sabotage or industrial violence or advocacy of sabotage or industrial violence?

A. Not so far as I know.

Q. During the course of your trade union contact with Harry Bridges did he engage in any conduct such as unlawful destruction of property in connection with industrial disputes?

A. Not so far as I know. Would I be permitted, Judge— [442] I could give examples to the contrary.

Presiding Inspector: Oh, no.. Strike that out.

Mr. Del Guercio: We know how willing the witness is, your Honor.

Presiding Inspector: What is that?

Mr. Del Guercio: We know how willing the witness is.

(Testimony of Sam Kagel.)

Mr. Gladstein: I move that statement of counsel be stricken.

Presiding Inspector: Yes.

By Mr. Grossman:

Q. Mr. Kagel, during the course of your trade union contacts with Harry Bridges was there any example of his conduct along the line of recommending forcefully to the union representatives that a strike they contemplated should not take place?

Mr. Del Guercio: I object to that, your Honor.

Presiding Inspector: Isn't that going into details?

Mr. Grossman: Yes, it is, your Honor, and I have asked the general question. I still feel that we have a right, in order to rebut or deny the substance of what we argued about before, to go into specific details.

Presiding Inspector: I think not.

Mr. Gladstein: Now, if your Honor rules that we aren't I would like to make an offer of proof with respect to some specific details. [4422]

Presiding Inspector: No; we will assume that you could produce specific instances.

Mr. Grossman: I still think, your Honor, I have to make an offer of proof which will explain the substance, at least of what it was I offered to prove in specific detail. I could be brief.

Presiding Inspector: This man has sat with him in negotiations; he has been his advisor, the paid advisor of Mr. Bridges' union, I suppose, in look-

(Testimony of Sam Kagel.)

ing up financial matters. Of course, except as every person has observed, he has had little opportunity to observe except along the lines that he has given definite information about. Taking them all together, I am taking them all together; I am lumping them together for the sake of expedition. I don't think it will be wise to go into—or helpful, in any way, to go into the specific instances.

Mr. Gladstein: Your Honor, before you make a final ruling on that, let me say this: Of course, there is the possibility that some one else will be looking at this record; in fact, undoubtedly the Attorney General will be doing so. Now, we have in mind this: We are going to prove, before this case is over, both from Mr. Bridges and from other witnesses that Bridges has engaged in conduct which is clearly 100 per cent inconsistent with the kind of things that the Government witnesses say Communists do. For example, as I understood the witnesses for the Government, one of the things that the [4423] Communists are interested in doing is to use trade unions to tear down the Government, embarrass the Government, stir up dissention and chaos and things of that kind.

We will prove before this hearing is over that Bridges has cooperated not once but several times with various departments of the United States Government, and particularly with reference to the 1936-'37 strike that he cooperated with the United States Government and with representatives of President Roosevelt, and that his conduct far from

(Testimony of Sam Kagel.)

being the kind of conduct which Government witnesses say is carrying out the Communist Party line, showed that he is a better American than many people who have had the audacity to speak in this Court. That is one thing. Another thing is this:—

Mr. Del Guercio: (Interposing) Well, your Honor, I object to that statement of counsel, the audacity of anyone to appear here on the stand.

Mr. Grossman: The shoe fits, Mr. Del Guercio.

Mr. Del Guercio: Now, just a minute. The shoe will fit you in a little while.

Presiding Inspector: Now, wait a second.

Now, let Mr. Gladstein finish, Mr. Del Guercio.

Mr. Del Guercio: He has no right to pass remarks like that, your Honor.

Presiding Inspector: Well, people get heated—

Mr. Del Guercio: (Interposing) That is all he has been, is heated up, apparently, both of them here. [4424]

Presiding Inspector: (Continuing) —even in deportation hearings.

Mr. Del Guercio: The record will show there is more speeches than evidence.

Presiding Inspector: Well, I think that is so.

Mr. Grossman: That started with the first day, your Honor.

Presiding Inspector: I notice that Dean Landis said there were very few objections in the other hearing, but we have gone to the other extreme, I think, in this one.

(Testimony of Sam Kagel.)

Now, I really have forgotten what you said.

Mr. Gladstein: The point I was making, the point is, we will give explicit specific examples which I trust your Honor will admit into the record to show something which is obviously inconsistent with what Government witnesses say is characteristic of a Communist, that is to say, if the Communist Party members in the trade unions, as the Government witnesses say, are not loyal to the Government but intend by their activities to destroy the United States Government, then, we want to show you that by his conduct Mr. Bridges has been exactly the contrary.

Now, there is another thing. That is this: It is very simple for a person to say "I charge Harry Bridges with having been at a certain place on a certain day." The only thing that one can do in answer to that is say "I deny it; I was not there." Now, that is a negative kind of evidence, that [4425] is correct. With a man whose life has been as busy as Harry Bridges' has been, it is not possible for us to trace back and cover every moment of every day in his life since the time that he came to this country, although the charge is such that if we had the facilities at hand we would be required, in order to put in a good defense for him, to cover every such period, every such day of that entire period. That simply isn't physically possible. Therefore, we of necessity are forced to attempt to show you that he, by his conduct, consistently in this field to which he has devoted his

(Testimony of Sam Kagel.)

life has committed acts and engaged in conduct which is not consistent with the kind of conduct which the Communist Party members in trade unions are supposed to indulge in, according to the Government witnesses. And, your Honor will see too what an unfair disadvantage we would be put if we were simply confined to saying in answer to a Government witness' charge "No, he was not there." We must also be allowed to show that Bridges has said and has acted and conducted himself in such a way that to your Honor it will appear not only that Mr. Bridges denies that he was there but that he couldn't have been there, couldn't have engaged in the discussions that he is said to have engaged in, couldn't have agreed to submit to mandatory decisions such as testimony here to that effect.

Now, we must be permitted to show what this man's life in the trade union movement has been. Otherwise, we are not permitted to put in a defense and although you allow this witness, [4426] Mr. Kagel, to put in a general answer, we feel that a few specific instances must be permitted because the true flavor of Mr. Bridges' views and his conduct cannot be found in a general answer to a general question which is, after all, an answer giving a person's personal opinion. And you, yourself, have stated that the weight of such testimony is something for you to decide, and you may decide that it is simply opinion evidence. Why should we not be permitted to show the facts, not just the

(Testimony of Sam Kagel.)

opinion of the witness, but the facts which reveal Mr. Bridges in life, exactly what he has said and what he has done, and you then can take those facts and see whether the Government's theory fits him or not. That is the nature of our defense.

Presiding Inspector: Well, you see, you don't have to trace every second of his life since 1920 because the burden is on them, on the Government, to establish that he has so conducted himself as to bring himself within the scope of this deportation law, so that the rest of his life, we may assume, is of no importance, at least, innocuous.

Now, you are going to pick out a lot more episodes and bring those in on the other side. Those are only material, of course, if they bear on the witnesses that they have produced to prove this, because all other episodes are immaterial in a general way. Now, I have let this witness testify to his opinion, that he is a good trade unionist, I thought we might [4427] almost assume that to be the fact, and I don't think that this argument that you suggest, this soliloquistic argument is of very great strength, that you can prove that he is not a Communist because he has been a good man in his conduct of the unions. It doesn't seem to me that that necessarily reaches that conclusion and, therefore, I don't think we would be helped by the particular episodes on which this witness bases this conclusion. I think you have the full benefit without it.

Mr. Gladstein: Well, there is one more thing to be said, your Honor. That is this: In the last hear-

(Testimony of Sam Kagel.)

ing, as Dean Landis found, Mr. Bridges did not deny, and he has never denied that he has had associations, that he has known a number of Communists. He has not denied that some of those Communists have done work in the trade union movement which, he felt, was within the democratic pattern of the trade union and may have been helpful to that trade union at that particular time.

Now, the Government, in this case, as in the last case, must find something more than mere acquaintance or association. It must find something in the nature of affiliation or membership. Now, what does that mean? It means that we, on the part of the defense, have a right to show that despite instances of acquaintance or association Mr. Bridges' conduct has been such that that association or acquaintance, though it existed, is inconsistent with the idea of affiliation carrying out orders of the Communist policy, for the Communist Party. [4428] With the situation different, namely, that Mr. Bridges didn't know a single Communist in the United States; perhaps, this kind of evidence would have no materiality, no weight of any kind, but in order to make it clear to you what the situation has been it becomes necessary for us to put in evidence of his actual conduct so that you will not accept the theory which the Government here asks you to accept from the day of the opening statement, namely, that a mere acquaintance or an asso-

(Testimony of Sam Kagel.)

ciation with a person who is a Communist makes one deportable.

You are being asked, in effect, to make a ruling which would change, in our opinion, the law of the United States. Now, we are asking you not only to permit that law to remain as it is, but to permit us to put in a defense which will justify the conclusion we ask you to arrive at, namely, to leave that law as it is and not yield to the request of Mr. Del Guercio that you change that law.

Presiding Inspector: Oh, I don't think he makes any such—

Mr. Del Guercio: (Interposing). We don't accept as ours counsel's remarks.

Presiding Inspector: No.

Mr. Gladstein: Moreover, we feel this: We feel this is somewhat crucial to the theory of our defense, very frankly, your Honor, and that, if you feel any doubt about the admissibility of this, we would like to have it submitted here and [1429] now to Attorney General Jackson, to whom this matter ultimately will be submitted anyway, we presume, either through the form of a recommendation from you, because whatever the situation is, as I understand it, the Attorney General's word will be final on the matter, that is—

Presiding Inspector: (Interposing) That is true.

Mr. Gladstein: He can either accept or reject your recommendation.

Presiding Inspector: Certainly.

(Testimony of Sam Kagel.)

Mr. Gladstein: Now, that being so, and because we feel as we do about this character of testimony, we are prepared to ask you—in the event you do not permit us to put in this kind of testimony we are prepared to ask that the matter be submitted to Attorney General Jackson now so that we can know whether we have that right.

Presiding Inspector: I don't think that would be——

Mr. Del Guercio: (Interposing) That request is unusual. You are the trier of the facts right here, now. The matter is before you, not before Mr. Jackson.

Presiding Inspector: I know. I won't decide it this afternoon. I will think it over tonight. Go on to something else. I won't pass on it finally, but I won't talk with Mr. Jackson about it. I will take the responsibility myself.

Mr. Gladstein: Shall we withhold our offer of proof on this? [4430]

Presiding Inspector: Yes.

Mr. Gladstein: All right.

Mr. Grossman: No more questions.

Presiding Inspector: Do you want to cross examine or do you want to wait?

Mr. Del Guercio: Yes, your Honor. Well, is their direct examination of this witness over?

Presiding Inspector: Until I rule whether I will receive these details. I thought, perhaps you would like to postpone your cross examination.

(Testimony of Sam Kagel.)

Mr. Del Guercio: Well, I would until it is completed.

Presiding Inspector: Until tomorrow morning. I should think so.

*Can you call another witness?

Mr. Gladstein: We don't have one here now. There are a few questions we could ask, I think, perhaps, your Honor.

Mr. Del Guercio: I may make this statement, if your Honor please: The Government, or those representing the Government in the prosecution of this case are just as anxious as you, the Presiding Officer, to conduct a fair hearing. We believe that you are primarily—we know you are, under the rules and under the law, primarily the trier of the facts. You have to determine first and make your recommendations to the Attorney General. And if we thought that such evidence was material, of course, we wouldn't object to it at all [4431] because we are just as interested in seeing that this is a fair hearing as you are and as everybody else is, and, I think, that any reference, any request from counsel for you to submit the question—

Presiding Inspector: (Interposing) I can't do that so disabuse your mind of it. I am going to take the responsibility here for good or for evil.

Mr. Gladstein: Did Mr. Del Guercio indicate that he desired to save his cross examination until tomorrow?

Presiding Inspector: Yes.

(Testimony of Sam Kagel.)

Mrs. King: If your Honor please, we still have portions of the testimony—

Presiding Inspector: (Interposing) Yes, can't we go on with those?

Mrs. King: (Continuing) —that we could go on to. .

Could the witness be excused until tomorrow morning?

Presiding Inspector: Yes, tomorrow morning at ten o'clock.

(Witness temporarily excused.)

Mrs. King: The Government read some material on pages 2663 running over to 2664. In that material there is a reference to Roy Hudson. Because of that reference I am proceeding to read on page 2671, beginning on the third line as follows:—

Mr. Myron: (Interposing) I wonder if you would wait a moment until we could find it in the reference book?

Mr. Del Guercio: What page is that? [4432]

Mrs. King: I am reading on the third line of page 2671 and I am basing my right to read this on your quotation from page 2663-4.

Presiding Inspector: How far do you want to read, Mrs. King?

Mrs. King: I want to read down to seven lines from the bottom of the page 2672.

Mr. Del Guercio: Well, our reference, to get the record clear, was the Marine Workers Industrial Union. The matter is on page 2663. That was the subject.

Presiding Inspector: She says that what you read brought in the name of Roy Hudson in some statement.

Mr. Del Guercio: Are you sure you don't mean Telford, Sam Telford?

Mrs. King: Right following Sam Telford on the next page, 2664, you have this question:—

Mr. Del Guercio: "Roy Hudson". That is right. Now, you want to read what?

Mrs. King: Beginning on the third line of page 2671 and reading to within seven lines of the bottom of 2672..

Mr. Del Guercio: Now, it has no reference, you will admit, to the subject matter of the Marine Workers Industrial Union. It merely has reference to Roy Hudson, is that correct, as being a member of the Communist Party? [4433]

Mrs. King: It also discusses his position with reference to seamen and so on, which, I believe, is an explanation of the discussion on the other page.

Mr. Del Guercio: We will object, then, to that, your Honor.

Presiding Inspector: What was the matter on the other page? I haven't the record before me.

Mrs. King: After the question "Sam Telford?" you have the answer "I think was a member of the Marine Workers Industrial Union and the Sailors Union of the Pacific.

"Q. Roy Hudson?

"A. The only union I think he was a member of was the Marine Workers Industrial Union."

This is a further discussion of Roy Hudson and the contact of Mr. Bridges with Roy Hudson.

Presiding Inspector: Now, where is this?

Mrs. King: Beginning on the third line of page 2671.

Presiding Inspector: How far do you want to read?

Mrs. King: To within seven lines from the bottom of page 2672.

Presiding Inspector: Well, I shouldn't think this testimony about Aaron Sapiro would be material.

Mrs. King: I don't think it is, but I wanted to read before and after. It seemed to be simpler to take it in.

Mr. Del Guercio: Well, that is highly objectionable, [4434] your Honor. It has no reference—

Presiding Inspector: (Interposing) I will receive it, down to the—

Mrs. King: The last question on page 2671.

Presiding Inspector: Down to the last question on 2671.

Mrs. King: All right. Then, can I go on?

Presiding Inspector: Yes.

Mrs. King: The difficulty is, your Honor, the first question on 2672 refers to the answer preceding it, but, I think, the rest of the questions on 2672 are relevant, and the answers.

Presiding Inspector: Yes. Why not leave out that first answer?

Mrs. King: All right.

“Q. Can you recall whether anybody was pre-

sent at that discussion?" You see, the words, "that discussion" don't make much sense without the preceding answer, but I am perfectly willing to leave it out.

Presiding Inspector: Well, I don't know. It is hard to——

Mrs. King: (Interposing) I will concede that. That is the reason why I included it; I mean, I am not terribly interested in it.

Presiding Inspector: Well, why not omit down to the question "Do you know that Roy Hudson was in charge of the trade union activity——"

[4435]

Mrs. King: All right, I will do that, your Honor.

Presiding Inspector: Yes, all right.

Mrs. King: "Q. I think you said yesterday you knew Roy Hudson? A. Yes.

"Q. Do you recall how many times you have met Roy Hudson?

"A. Only twice to the best of my recollection.

"Q. Do you know whether he holds any position in the Communist Party?

"A. I think he does. I want to say when I said 'twice' I mean that I can recall two distinct conferences with Roy Hudson. When he was around here in 1936 I met him on a few other occasions. I might have run into him—we used to go to a saloon on the waterfront there and maybe have a drink or two and talk things over. I remember he used to be around and I ran into him a few times there. I only have two distinct recollections of having a conference with him.

"Q. Do you recall what the subjects of those conferences were on those two occasions?

"A. Regarding the maritime situation.

"Q. What?

"A. In regard to the Maritime situation; the seamen-longshore situation. [4436]

Then, after an omission:

"Q. Do you know that Roy Hudson was in charge of the trade union activity for the Communist Party? A. I didn't.

"Q. And is a member of the Central Committee of the Communist Party? A. I didn't."

Now, I am about to read on pages 2793-4. The Government read immediately before what I have the intention of reading, about a certain Herman Mann.

Mr. Del Guercio: Now, can you tell me on what subject you are——

Mrs. King: (Interposing) Well, the Government read the question and answer in the middle of the page:

"Did you ever use Herman Mann as a messenger to contact Walter Lambert, Sam Darcy?

"A. I have used Herman Mann as a private investigator——"

Now, I want to go on.

"Q. (Interrupting)"——

Mr. Myron: (Interposing) We object to that, your Honor.; It has no reference at all to the admission introduced by the Government.

Mrs. King: I can't understand if the Government talks about Herman Mann, why they have a

right to stop in the middle of a sentence with a dash and not let me go on reading to the [4437] conclusion of that.

Mr. Myron: The rest of the testimony has no bearing on the admissions that were introduced by the Government and made by the Alien.

Mrs. King: I mean, the purpose for which the Government introduced it may be one thing but it is more on exactly the same subject that the Government introduced material on.

Mr. Myron: That is why we object to it. It has no reference at all. It is only admissible as admissions by the person at the former trial.

Mr. Gladstein: Your Honor, the question that the Government read into the hearing on page 2703, "Did you ever use Herman Mann as a messenger to contact Walter Lambert, Sam Darey," and the answer unfinished, "I have used Hermann Mann as a private investigator——", now, there could be drawn an inference from that that Mr. Bridges was answering to some effect that as an investigator or a messenger or in some such capacity the question has been answered or intended to be answered in the affirmative. We think we have a right to show what the balance of the question was, to show what Mr. Bridges' full answer was concerning Mr. Mann.

Presiding Inspector: How far do you want to read?

Mrs. King: Down to the sixth line on page 2704.

Mr. Del Guercio: If the Court please, we introduced that testimony as an admission in connection with the general subject [4438] of the Waterfront

Worker. Now, Mann, of course, may have as many personalities as—well, there are so many innumerable personalities. Mann, in one personality in connection with the Waterfront Worker, is a different man from that in connection with any other capacity.

Presiding Inspector: Yes, I think I will take that; it is pretty close.

Mrs. King: (Reading)

"Q. (Interrupting) No, no; as a messenger, I said. "A. As a messenger?"

"Q. He was then a waterfront section organizer, if you recall. Do you know that?"

"A. I didn't know that, and I don't recall it, and I don't recall ever using him as a messenger.

"Q. During the strike, I am talking about, in May 1934. A. No.

"Q. You never used him as a messenger?"

"A. No, not at all. It is pretty hard to say whom you have used as messengers during the strike, but I don't recall—

"Q. (Interrupting) I mean continually or frequently. A. No.

"Q. You would know that, wouldn't you?"

"A. I certainly would."

Now, I am proposing to read on pages 2780 and 2781, beginning in the middle of the—well, I mean in the course of [4439] the first full paragraph with the third sentence thereof after the word "No."

Mr. Del Guercio: So that we may follow can you tell us on what subject that is?

Mrs. King: Yes, on the I.W.W., and I propose to read through the first full paragraph on page 2780.

Presiding Inspector: All right.

Mrs. King: (Reading)

"Now, my answer would also be——"

Mr. Del Guercio: (Interposing). I object to the reading of it, your Honor.

Presiding Inspector: Why do you object to the reading of it?

Mr. Myron: We haven't found it. Of course, you have our volume.

Presiding Inspector: Yes, 2780.

Mr. Del Guercio: We don't have our volume.

Presiding Inspector: I have got it.

Mr. Del Guercio: May I look at it up there?

Presiding Inspector: Yes, certainly, come right up here and look at it.

Mr. Del Guercio: May I make my objections from here?

Presiding Inspector: Certainly, as long as you don't rule on them. How far do you want to read?

Mrs. King: Through the first full paragraph on 2781, [4440] ending with the words "over to their side."

Presiding Inspector: All right, I will allow it.

Mrs. King: "Now, my answer would also be that when it came to a question of working out solutions of problems, I think it is democracy enough if you are going to make advances, if you are going to have things work; otherwise, if it is not it is what was the matter with the I.W.W. where everybody

expressed themselves at any time; before decisions were made, after decisions were made, despite the rules in the union; every individual was free to do anything he liked. During a strike if he felt like going out and blowing up a bridge, that was perfectly all right; if he felt like—not that I say that they done it; I am just talking now as an example.

“You either have to have democracy where the line is drawn somewhere, or you have anarchy, and I think it is a safe rule to let everybody express themselves up until the point that the vote is taken and then after the vote is taken the majority rules and the minority is bound to go along; otherwise, you have got anarchy.

“I don’t think the minority has got the right to keep on fighting and disrupting to get their own way. They have their right by democratic means to swing the majority over to their side.”

Now, I am proposing to read on page 2850.

Mr. Del Guercio: On what subject, please?

[4441]

Mrs. King: On the I.W.W. again, beginning at the beginning of the last paragraph on that page and running down to the last statement of Dean Landis on the next page.

Presiding Inspector: Whereabouts was that? I was reading on from where you stopped. I was interested in it. Now, where are you now?

Mrs. King: I am on page 2850, beginning with the last paragraph.

Presiding Inspector: 2850.

Mrs. King: Down to the place where Dean

Landis talks about adjourning. I think we will do the same in a moment.

Presiding Inspector: What was that? What are you talking about?

Mr. Del Guercio: We object to reading any portion of that. It doesn't appear to have anything to do with the I.W.W. or the theory of the I.W.W.

Presiding Inspector: Where do you want to read from? 2850, what line?

Mrs. King: To the "Trial Examiner Landis: I think we had better adjourn at this time." I stop there.

Mr. Gladstein: You see, your Honor, on page 2851 Mr. Bridges refers back to what he said on the previous pages and characterizes it as what he believed to be a fair description of the I.W.W. philosophy.

Presiding Inspector: Where do you want to start? [4442]

Mrs. King: The last paragraph on page 2850.

Presiding Inspector: I will take this as being in some way connected with what has already been admitted.

Mrs. King: (Reading)

"I can understand the other process, but I cannot understand the taking over of industry by general strikes. I have seen general strikes. What you have here would have to be simultaneous, a general strike, and the general strike and taking over all the country. Then after you took those things over you would have to operate them, and

you would have to operate them for the benefit of the people that took them over.

"Well, maybe it could be done, but it is pretty far-fetched, it seems to me.

"Trial Examiner Landis: You wouldn't say that that particular illustration, which I regard as rather imaginary, is a fair concretization—if there is such a word—as Marxian technique?

"The Witness: No. That is a fair description of what the I.W.W. philosophy is."

Now, if your Honor please, I would like to read beginning on page 3060—

Mr. Del Guercio: On what subject?

Mrs. King: Again on the I.W.W. and, I believe, later on the MWIU. [4443]

Presiding Inspector: Well, I haven't the testimony before me.

Mr. Del Guercio: I will make it available.

Mrs. King: Beginning with the last question, the last question on 3060.

Mr. Del Guercio: 3060? We object to reading that. While there is a character reference to the I.W.W. it is not—

Mrs. King: (Interposing) I propose to read to where the Government started to read on page 3065, which was the last question on that page.

Presiding Inspector: They read to there?

Mrs. King: No; they began reading at that point.

Presiding Inspector: They began at 3065?

Mrs. King: The last question, in fact, the only question.

Mr. Del Guercio: On the I.W.W.?

Mrs. King: No; I said on the MWIU. Then, reading on to the company union, and the efforts to break away from it.

Mr. Del Guercio: Now, if your Honor please—

Presiding Inspector: (Interposing) Now, what is the point of this you want to read?

Mrs. King: The material beginning on page 3065 shows the organization, although the Government put it purely on the problem of the MWIU and the Waterfront Worker and the I.W.W., they show the culmination of a process which we contend begins on page 3060 and is part of the same process. [4444]

Mr. Gladstein: That is to say, for example, your Honor, during the course of Mr. Bridges' answer to that specific question that begins on 3065 where he is asked about "When did the men start to organize a union which was not a company union," he mentions "our waterfront paper." Now, the background against which that paper was started up and the motivation for it are discussed on pages 3060 to 3065. In order to give you a correct picture of that background it is necessary to have those pages in the record.

Mr. Del Guercio: Well, of course, we don't admit that is a correct statement of the background.

Presiding Inspector: I will take it; I will take it.

Mrs. King: (Reading)

"Q. And what was the condition of the water-

front at that time? Were there any unions in existence?

"A. There was—well, you had the company union in San Francisco. There were remnants of unions here and there up and down the Pacific Coast. In San Pedro the I.W.W. got pretty strong, even to the extent of pulling a strike in 1923.

"In some of the Northwest ports the American Federation of Labor, I.L.A., had charters, but without any power.

"In the port of Tacoma, I believe, was the only union of any weight or power and that was very limited.

"But as far as I was concerned, I was in San Francisco and they had a company union there.

[4445]

"Q. You were a member of that company union?

"A. About six months after I went on the waterfront I joined the company union. It was a question of joining or getting off the waterfront.

"Q. Were conditions on the waterfront good at that time?

"A. They were not so bad then. Later, on however, in 1925, they got pretty bad. —

"In 1924 we attempted to form, and we actually did form a local of the I.L.A. We paraded on Labor Day in 1924. That was the last Labor Day parade in San Francisco until 1934.

"Q. Why were they discontinued?

"A. Well, it was at that time—I had my own ideas, I think I was correct. The leadership that

were engaged in organizing the union were organizing it fairly secretly which, of course, was the correct tactics; but they were operating on the basis that this was going to be done until everybody was in the union.

"Some of us put up quite a fight to have it done in another way, but I was new, a newcomer at that time, and had no weight. I didn't believe the tactics were correct. I had nothing to say about it, however.

"Then after 400 of us paraded in the open on Labor Day in 1924, why we were kind of blacklisted for a couple of years.

"Then, of course, from 1925 on up to 1934, conditions just [4446] got worse and worse. Wages were reduced, the rate of production was increased as high as around 500 or 600 per cent. Various forms of graft and racketeering increased. Unless you got around quite a bit and put up a terrific fight you had to pay for your job to your straw boss, or gang foreman, as the case may be.

"This was during prohibition. Functioning in conjunction with the company union were certain bootleggers on the waterfront and when you went to work why you had to cash your check with these bootleggers, and they would see to it that they got a certain amount of it. Then they would turn over their checks to the company union officials to cash with the steamship owners. In other words, if you wanted to work steady, and if you were a good company union man you worked fairly steady, although you really killed yourself while doing it. You

cashed your check with the bootleggers and 10 or 15 per cent of your wages went out of your check in that way.

"Then, of course, there were many other things you had to put up with more than your job was worth. You had to report if you got injured. If you got two serious injuries while working, regardless of how they occurred—it didn't necessarily have to be your own fault—you were generally through on the waterfront.

"There were some pretty ridiculous complaints.

"I recall my partner, he got hurt. He just returned to the job and got hurt a week later. He got his foot [447] broken. The report was that he had soft bones. He had worked on the waterfront 18 years.

"These various things existed and really reached a high point around 1932.

"Q. Mr. Bridges, you just used the word 'partner' in that description.

"A. Longshoremen work in pairs in the holds of vessels and on the dock and on the deck. When I say 'partner' that is the technical term for your working partner in performing longshore work.

"Q. What were the wages at that time?

"A. 90 cents an hour in 1922. That continued on at 90 cents per hour until 1930, or 1929, I think, when they were cut to 85 cents and the following year they were cut to 75 cents.

"However, along with the cutting of the wages went the terrific speed-up which, in that type of work, can become something that is pretty hard to

describe, but can result in people actually being killed on the job through sheer exhaustion.

"Q. What was the 'shape-up'?"

"A. The 'shape-up' was a method of hiring. In all ports,——

Presiding Inspector: (Interposing) Well, now, I didn't notice this part of the proof.

Mrs. King: What?

Presiding Inspector: Has this anything whatever to do [4448] with what was read?

Mrs. King: It has to do with what is about to be read, yes, what was read, because that explains why they started to organize a union which was not a company union.

Mr. Del Guercio: Well, it has nothing to do with the Marine Workers Industrial Union.

Mrs. King: It explains exactly why they were ready to cooperate with the Marine Workers Industrial Union, if there was any cooperation, because the conditions were so bad on the waterfront it was necessary to use what assistance was at hand, so that they cooperated with anybody who was organized in order to get away from the company unions and the conditions which the company unions had imposed on the men on the waterfront. [4449]

Now, there is only another page to read, your Honor, and it seems to me that this is clearly in line with what follows.

Mr. Gladstein: Specifically, your Honor, on page 3066; which is a part of the transcript read by the Government, you will find a reference in Mr.

Bridges' answer to the waterfront paper. He said "There was really no start toward real organization until September, 1932, when we started our waterfront paper. The waterfront paper generally dealt with the ills of the longshoremen."

Now, this portion which Mrs. King is reading discusses the ills of the longshoremen which represented the reason for the waterfront paper coming into existence.

Presiding Inspector: All right, go ahead.

Mrs. King: (Reading)

"A. The 'shape-up' was a method of hiring. In all ports, except San Francisco, they had what we term Fink Halls. Employers' hiring halls is the correct term. They were halls owned and controlled by the employers, where the hiring was done, and they were in reality an elaborate blacklisting system where anybody that talked organization was immediately weeded out of the industry. They had a complete coastwise set-up in that regard.

"There was an exception in San Francisco where, because of the somewhat militant trade union background of San Francisco, they made a pretense at having a union. Therefore, [4450] the hiring was done by the 'shape-up' method. That meant that every morning, from 6:00 o'clock until 8:00 o'clock, all the longshoremen who wanted to go to work gathered on the waterfront in front of the Ferry Building there. Then the gang boss, who was a man that had charge of approximately a gang of 16 or 18 men, would come along and pick the men out. The term was derived from the way the men shaped

or formed themselves into a semi-circle and the boss came along and says, 'You; you, you,' and that is the way the terms originated.

"This 'shape-up' of course, was objected to because it put too much power in the hands of the boss, the gang boss, who was generally a petty racketeer.

"Of course, in longshore work there was no discrimination for being fired on the job, but the discrimination came from being hired."

Mr. Del Guercio: Of course, this is being read over our objection, if the Court please. Does the record show that?

Presiding Inspector: 'Oh, yes.

Mr. Gladstein: Your Honor, it is ten minutes past four. Shall we adjourn for the day?

Presiding Inspector: How much more have you of this?

Mr. Gladstein: We probably have—it will take until 5:00 o'clock.

Presiding Inspector: Oh, that is a good thing to do, isn't it? Do you really want to adjourn now? [4451]

Mr. Gladstein: Yes, we would prefer it, your Honor. Then, the balance we can read during those intervals that occur invariably or inevitably during the rest of the trial.

Presiding Inspector: Very well. Tomorrow morning at ten o'clock.

(Whereupon, at 4:10 o'clock p.m. an adjournment was taken until Tuesday, May 20, 1941, at 10:00 o'clock a.m.) [4452]

Court Room 276,
Federal Building,
San Francisco, California,
May 20, 1941.

Met, pursuant to adjournment, at 10:00 A. M.

[4453]

PROCEEDINGS

Presiding Inspector: Now, we will proceed.

SAM KAGEL

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Presiding Inspector: Do you know what the question was that we were discussing?

Mr. Grossman: I think I can find it, your Honor. I can describe it in substance, if not in words.

Presiding Inspector: I know you can. I have it well in mind myself, but I didn't know what its technical form was.

Mr. Grossman: Here we are, your Honor, on page 4422:

"Q. Mr. Kagel, during the course of your trade union contacts with Harry Bridges was there any example of his conduct along the line of recommending forcefully to the union representatives that a strike they contemplated should not take place?"

Presiding Inspector: I excluded that question, did I not?

Mr. Grossman: Well, I don't know whether you

(Testimony of Sam Kagel.)

ruled—you indicated, I think, a desire to exclude it. Then there was the question of—

Presiding Inspector: I think I said I would think it over overnight.

Mr. Grossman: That is a question you were to think over.

Presiding Inspector: I understand this is objected to?

Mr. Del Guercio: It is. [4454]

Presiding Inspector: On the ground that it is incompetent, or isn't relevant to give the details upon which this witness has based his opinion?

Mr. Del Guercio: That is correct.

Presiding Inspector: I am going to adhere to that ruling and liken this to a reputation witness. In fact, this is a kind of reputation witness, reputation as a good trade unionist and, therefore, I will exclude the details upon which he bases this conclusion. I think it is well within the authorities.

I don't say that it isn't remotely relevant, but it is so remotely relevant that the time it would take to prove all those things would not be justified; and I rule it out as practically irrelevant, not within the general contemplation of the rule in relation to such testimony as this. Further, if there is any question it is a matter of discretion.

I don't think that it is necessary to make any offer of proof except to say, which I assume is the fact, that you would prove numerous instances of conduct which you would claim would be a fair basis

(Testimony of Sam Kagel.)

for conclusions of the man being a good trade unionist, as already stated by this witness.

We will proceed. Ask the next question. [4455]

Mr. Grossman: I have some more general questions.

Presiding Inspector: Oh, you may ask them. I want you to cover it in your general theories. I have allowed that, although I have grave doubt whether that is even competent, but I have allowed it and I am going to let you amplify the general basis.

Mr. Grossman: After I finish that, I think, your Honor, because I would state it slightly differently and in a little more detail, I would like to make my statement of offer of proof. I can make it simple.

Presiding Inspector: You may do that, but I don't want you to give—

Mr. Grossman (Interposing): I understand.

Presiding Inspector (Continuing): —the matters which I am thus excluding under this theory.

Mr. Grossman: I understand.

Presiding Inspector: Now, I have given this the very best consideration that I am capable of and, of course, we are all subject to error.

Direct Examination

(Resumed)

By Mr. Grossman:

Q. Mr. Kagel, during the course of your trade union contacts with Harry Bridges did he always follow the policy of advocating and carrying out

(Testimony of Sam Kagel.)

strikes only when they were necessary as a last resort to satisfy the reasonable economic [4456] demands of the workers?

Mr. Del Guercio: I will object to that question as being too broad.

Presiding Inspector: I think I will take it. This is all on the basis of establishing that he is a good trade unionist in the opinion of this witness.

Mr. Del Guercio: Opinion testimony, your Honor, is it not?

Presiding Inspector: Yes. I will take it. It is opinion testimony.

A. In my opinion, the answer is Definitely Yes.

By Mr. Grossman:

Q. During the course of your trade union contacts with Harry Bridges did you find him continuously a supporter—withdraw that.

During the course of your contacts with Mr. Bridges did you find him equally willing to use the procedure of arbitration, negotiation and mediation as well as the procedure of strikes?

Mr. Del Guercio: Now, if your Honor please, I will object to that.

Presiding Inspector: I will take it.

Mr. Del Guercio: It is a leading question.

Presiding Inspector: It is. I will take it.

A. The answer to that question is Definitely Yes. [4457]

By Mr. Grossman:

Q. During the course of your trade union contacts with Harry Bridges did you find him regu-

(Testimony of Sam Kagel.)

larly and continuously willing to and actually co-operating with Governmental agencies to avoid strikes where such strikes could reasonably be avoided?

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: If there were such instances I will allow it.

Mr. Del Guercio: What?

Presiding Inspector: I will take his general testimony on that.

A. There were certain instances where I had contact with Mr. Bridges relative to such cases where Mr. Bridges definitely cooperated with the Government authorities to the end of trying to avoid certain strike situations. And I could testify, if I were permitted, to the specific cases.

Presiding Inspector: We will strike that out.

The Witness: I am sorry.

By Mr. Grossman:

Q. Do you know of any cases to the contrary?

A. Not of my own knowledge. Not that I had anything to do with.

Q. Will you state from your trade union contacts with [4458] Harry Bridges what was and is his theory on the role and function of the trade unions?

Mr. Del Guercio: I will object to that, your Honor.

7

(Testimony of Sam Kagel.)

Presiding Inspector: I will sustain the objection to that question. That is his opinion of the workings of Mr. Bridges' mind. We will take that from Mr. Bridges.

Mr. Grossman: I think I am entitled to ask it, if the witness can answer it, from the activities of Mr. Bridges and the statements of Mr. Bridges that were integrally tied up with those activities and explanatory of them.

Presiding Inspector: It is immaterial anyway. I can't see how it is material.

Mr. Grossman: This goes to the very substance of the Government witnesses, that we started this discussion on. That is, as to the Communist theory on the role and functions of the union.

Presiding Inspector: Yes. But the Communist theory is a very complicated matter. You just pick out one very small part of it and try to draw conclusions from that. I think that you have got to treat this matter as a whole. I will exclude that question. Perhaps you can simplify it in that way.

Mr. Grossman: All right.

Mr. Gladstein: We haven't inquired about this, your Honor, but is it understood that whenever you make a ruling [4459] on a question of admissibility of evidence of this kind, for example, that when you exclude testimony which we desire to have brought into the record, that automatically an exception is noted in the record?

(Testimony of Sam Kagel.)

Presiding Inspector: I don't think any exception is necessary.

Mr. Gladstein: That is, it is not necessary for us to ask for any exception?

Presiding Inspector: Oh, no. The question, of course, in these administrative hearings is whether there has been a fair hearing on the one hand or whether the person determining the fact has acted in so gross a manner as to have denied either a fair hearing or to have been arbitrary or capricious.

By Mr. Grossman:

Q. Mr. Kagel, yesterday when I asked you whether Mr. Bridges had ever taken any action that was inconsistent with the best economic interests of the workers that were involved, you stated the answer was, Yes, because there were times when you disagreed with Mr. Bridges on matters pertaining to the negotiations or the handling of situations. If I asked you that same question in this form, tell me whether your answer would be any different. I am going to state the question again now. In the course of your trade union contacts with Mr. Bridges did he ever take any action that could be reasonably interpreted as being meant not in the best interests of [4460] the workers involved or being meant for some other ulterior political purpose? A. No, definitely not.

Mr. Del Guercio: Just a minute, please.

Presiding Inspector: Yes.

Mr. Del Guercio: I object ~~to~~ the question upon the ground of form.

(Testimony of Sam Kagel.)

Presiding Inspector: I will allow the objection to go in first before the answer.

The Witness: I am sorry.

Presiding Inspector: You answered quickly.

Mr. Grossman: I will ask that again.

Presiding Inspector: We will strike out the question and answer so we can start over. [4461]

By Mr. Grossman:

Q. In the course of your trade union contacts with Mr. Bridges did he ever take any action that appeared to you to be taken for a purpose other than satisfying the best economic interests of the workers that were involved?

Mr. Del Guercio: I object, to that as being immaterial. Whether or not, in the opinion of this witness, that is true or not is immaterial.

Mr. Grossman: These have been permitted.

Presiding Inspector: I think it is along the same line and I will take the answer.

A. My answer to that is, no, he has never taken such a position. If I may be permitted—

Presiding Inspector: No, that answers it.

Mr. Gladstein: Why not let the witness explain?

Presiding Inspector: Because he will give some details.

The Witness: No.

Mr. Gladstein: Well, if he does give details those can be stricken, but if he wants to complete his answer in a general way—

Presiding Inspector: I don't see what more he can add to that. If he can, let him go ahead.

(Testimony of Sam Kagel.)

A. (Continuing): I simply wanted to explain that my answer yesterday, when I said "Yes", was meant to mean that I differed at times with Mr. Bridges as to procedure, or as [4462] to particular strategy at the moment; but the answer of "Yes" yesterday was not meant to mean that I knew of cases where he was taking a particular position contrary to the economic interests of those persons he represented.

Presiding Inspector: I don't think we so understood it.

The Witness: I wanted to clear it up on the record.

Presiding Inspector: I don't think the explanation was necessary.

Mr. Del Guercio: I move to strike out the witness' answer.

Presiding Inspector: I will let it stand. It don't amount to anything.

Mr. Grossman: I fought for days on end to have Government witnesses answer "Yes" or "No" and failed.

Presiding Inspector: I have ruled in your favor. If you want to withdraw it, or anything of that kind—I ruled in your favor.

Mr. Del Guercio: I have a statement to make. The Government has sat idly by and has not been given any opportunity to reply to various charges and accusations and implications, made by counsel—

(Testimony of Sam Kagel.)

Presiding Inspector: According to the rules laid down, none of this goes into the record.

Mr. Del Guercio: It is going in the record, however.

Presiding Inspector: This isn't the record. The record is what the Presiding Examiner reports to the authority, the Department. [4463]

Mr. Del Guercio: It will all be stricken from the record?

Presiding Inspector: That is what the rule says.

Mr. Del Guercio: The rules provide.

Presiding Inspector: Yes.

Mr. Del Guercio: But the reporter is recording all this.

Presiding Inspector: But he cannot use his discretion as to what goes in and what shouldn't go in. He is taking everything.

Mr. Grossman: At this time I would like to make my offer of proof.

Presiding Inspector: I don't know how to make up a record, how it would be possible to make it up, without having some of this discussion in, but we will have a talk about that when the case closes.

Mr. Grossman: I wish to make an offer of proof to the effect that if we had been permitted we would have asked questions, and the replies of Mr. Kagel to those questions, would be in substance this: That on many, many occasions the conduct of Mr. Bridges was such as to support the general statements that have been made, the general replies that have been made to the general questions previously

(Testimony of Sam Kagel.)

asked Mr. Kagel about characterizing the conduct of Mr. Bridges; and that all of the conduct of Mr. Bridges has been consistent with those statements; and that Mr. Kagel would have given specific examples showing cases where Mr. Bridges had opposed a strike, or strikes, [4464] even against the position of the leadership of the union involved, and even against the position of a large part of the membership in the union involved, because he thought it was not the best economic weapon to use at that time, or not necessary to achieve the economic ends of the union; that he would also testify to Mr. Bridges going so far in favor of collective bargaining that he disagreed with union committees on the question of whether employer groups should be permitted to join together into a single employer association for the purpose of collective bargaining, on the theory that such collective bargaining would be better collective bargaining and would avoid minor and small strikes; that Mr. Kagel would also have replied that at the request of the Government of the United States, officials of the Government of the United States, more properly, Mr. Bridges had used all his efforts to avoid and delay certain important strikes at the request of the Government in the hope of avoiding the strike permanently; that Mr. Kagel would also, if permitted to testify, give examples of Mr. Bridges theory of the role and function of the trade unions and its application to particular situations, showing that

(Testimony of Sam Kagel.)

such theory, which statements of Mr. Kagel would have the effect of showing that such theory, and such activities in support of such theory of Mr. Bridges, is completely inconsistent with the statements of Communists' theory as to the trade unions that have been made by the Government witnesses, [4465] in particular, Schnering, Rushmore and Diner.

Mr. Del Guercio: I object to the line of testimony offered by counsel.

Presiding Inspector: The first part of it is all in, that you offered, is already in.

Mr. Grossman: I recognized I was duplicating, but for the purpose of clarity I wanted to add that.

Presiding Inspector: But whatever new there is, outside of what you have already shown, I will exclude the evidence.

Let us have the next question.

Mr. Grossman: Your Honor, I would like to have a statement from you as to whether or not you consider our offer of proof sufficient for the purpose we are making it?

Presiding Inspector: I certainly do.

Mr. Grossman: And without mentioning the particular events or circumstances, about which testimony could be given, because in order to make our offer of proof conclusive we are willing to do that, unless your Honor considers that it is sufficient as it now stands.

Presiding Inspector: I think it is absolutely sufficient. In fact, I think the matter is entirely

(Testimony of Sam Kagel.)

clear without the offer. Of course, the offer is to clarify what needs clarification.

Mr. Grossman: Yes.

Presiding Inspector: And you showed by your question, I [4466] think, that you were aiming at fully, so as to protect your rights completely. I have allowed the offer so there may be no question about it, so as to make sureness doubly sure.

Mr. Grossman: No more questions.

Cross Examination

By Mr. Del Guercio:

Q. How old are you? A. I am 32.

Q. Now, you say you are connected with the Pacific Coast Labor Bureau? A. Correct.

Q. Is that a private organization?

A. Yes, sir.

Q. Is it incorporated? A. No, sir.

Q. Is it organized for profit?

A. Well, it is owned by one person, by H. P. Melnikow, as the Proprietor.

Q. What?

A. H. P. Melnikow is the Proprietor.

Q. Is he running the organization for profit, or is it an eleemosynary institution?

A. I don't know, exactly what you mean by "profit." The money that is made, over and above expenses, is usually kept [4467] in the business.

Q. Are you a salaried employee of the concern?

A. I am.

Q. You don't have any title, do you?

(Testimony of Sam Kagel.)

A. Well, I have, as I testified yesterday, been called at times "Associate Director," or "Assistant Director."

Q. I am not asking you what you have been called. I am asking you what is your exact position with that concern, how are you carried on its payroll?

A. Simply by name.

Q. By name. And you have no title at all?

A. Not on the payroll. [4468]

Q. What is your salary?

A. \$425.00 a month.

Q. Who pays you that salary?

A. The Pacific Coast Labor Bureau.

Q. That is, Mr. Melnikow?

A. Mr. Melnikow.

Q. Who picked the name "Pacific Coast Labor Bureau"?

Presiding Inspector: There was a little noise in the room. It was difficult for me to hear as well as the witness.

By Mr. Del Guercio:

Q. Your organization is called the "Pacific Coast Labor Bureau". Do you know why the word "bureau" was chosen?

A. Yes. I think I do.

Q. Well, without going into detail, great detail, who picked it out?

A. Well, the only way I can explain that is to tell you how the Pacific Coast Labor Bureau was itself established.

Q. Well, I am not asking you that.

A. Well, but—

(Testimony of Sam Kagel.)

Q. (Interposing): Was it picked out by Mr. Melnikow?

A. Mr. Melnikow picked out the name "Pacific Coast Labor Bureau", but the Pacific Coast Labor Bureau was an office taken over from a group originally known as the "Labor Bureau Incorporated", which was organized in New York and had offices throughout the country and had an office established [4469] in San Francisco.

Q. Now, was Mr. Gladstein ever connected in any shape, manner or form with that organization, either here or Portland or anywhere else?

A. No, sir.

Q. Do you know it?

A. Not to my knowledge. And for the period that I have been connected with the Bureau I would say, No.

Q. And you have been connected with it since 1933?

A. On a permanent basis and on a part time prior to that.

Q. Now, these contacts that you have testified to as having with Harry Bridges, they were on the basis of an employer and employee basis, were they not?

A. That's correct.

Q. You were the employee, or your organization was the employee, Harry Bridges was your employer?

A. Well, the Union he represented was.

Q. Yes?

A. Correct.

(Testimony of Sam Kagel.)

Q. And he paid you for all the information you furnished him? A. Correct.

Q. In other words, you and your organization were Harry Bridges' paid advisors, is that correct?

[4470]

A. Correct.

Q. And your relations with him throughout this period of time that you have testified to have been in that relationship, is that correct?

A. That's correct.

Q. Employer and employee? A. Correct.

Q. And without going into details or specific instances, Harry Bridges has employed you and your organization to obtain for him figures and statistics on employer organizations and labor matters and what-not?

A. Yes. The union that Bridges represents has employed us.

Q. Now, he didn't advise you, did he?

A. What, sir?

Q. He didn't advise you or your concern as to what you should or should not do in all of your contacts? A. With him?

Q. Yes.

A. Well, I might say that in our contacts with him these matters were always discussed pro and con, and it wasn't a question of advising our organization because our organization per se was not in the negotiations, for example, or in the arbitration. But there was a mutual exchange of opinions and advice and suggestions.

(Testimony of Sam Kagel.)

Q. Well, did you or your organization get advices from Harry Bridges? [4471]

A. Only in those cases where he had anything to do with the matter, such as the longshore matters or when he was the CIO West Coast Director, in those cases involving CIO Unions where the Union called in Bridges. We didn't call him in.

Q. He was paying you, was he not, for your advice? A. No.

Q. And for the advice of your organization?

A. No. I think I had better qualify that.

Q. Wait! Can you answer that "Yes" or "No."

A. Well, I want to—

Q. (Interposing): Then you can qualify it.

A. Let me explain it to you.

Q. Just a moment! Let me do the questioning.

Mr. Grossman: It is quite obvious that this can't be answered "Yes" or "No."

Mr. Del Guercio: He hasn't stated it.

Presiding Inspector: I don't know.

The Witness: Ask the question again.

Mr. Del Guercio: Will you read it, please?

(The question referred to was read by the reporter as above recorded.)

The Witness: The answer there should be "Yes", when Bridges was directly representing the longshoremen. But "No", when Bridges sat in conferences involving other CIO Unions and where he sat as the CIO Director. In those cases [4472] we were paid by the particular Union that called us in. For example, the Newspaper Guild or the Ware-

(Testimony of Sam Kagel.)

housemen. They paid us separately. But at their request they might have called Bridges in, and only in those cases did we advise with Bridges concerning their particular problems of these other unions.

Mr. Del Guercio: I move to strike the answer out on the theory that it was not responsive.

Mr. Grossman: It is perfectly responsive.

Presiding Inspector: I think that is responsive. It differentiates between two different things here, matters; both of which were covered by the question.

Mr. Del Guercio: Yes.

By Mr. Del Guercio:

Q. You and your organization claim to be experts in gathering statistics, do you not?

A. We do.

Q. And those statistics include matters pertaining to employment along the waterfront and the statistics concerning the ability or inability of the employer-shipowners to pay, say, certain wages claimed by the particular unions?

A. Well, they include all kinds of economic statistics that may be helpful in negotiations or arbitrations.

Q. And that is what you and your organization sell?

A. We do that, but we also prepare the exhibits, for example, for an arbitration proceeding and usually somebody [4473] from the staff will present the arbitration case.

(Testimony of Sam Kagel.)

Q. When you prepare these things you get paid for them, do you not? You sell them?

A. We get paid for all our services, Mr. Del Guercio.

Q. There isn't any service that you do that you don't get paid for? A. That is correct.

Q. That is not boughten and paid for?

A. That is correct. We are in the same capacity as a lawyer except that we do no legal work.

Q. Have you ever been a member of the Communist Party? A. No, sir.

Q. Have you ever been a member of the Professional Section of the Communist Party?

A. No, sir.

Q. At any time? A. No, sir.

Q. Did you ever attend any Communist Party meetings? A. No, sir.

Q. Open or secret? A. No, sir.

Q. Did you ever attend any rallies of the Communist Party? A. No, sir.

Q. Anywhere? [4474] A. No, sir.

Q. At any time? A. No.

Q. Did you ever belong to any—do you know what the term "Communist front organization" means?

A. Well, I have heard it discussed in the newspapers. I mean, I have read about it.

Q. Well, do you know of your own knowledge what they are?

A. I wouldn't say that I know their names, no.

(Testimony of Sam Kagel.)

Q. Are you familiar with the Congress of Democratic Action?

A. I have heard of the name.

Q. Did you ever sponsor such an organization?

A. Not to my knowledge. No, sir.

Q. Do you know who the sponsors of that organization are?

A. I wouldn't be able to tell you.

Q. What?

A. I wouldn't be able to tell you.

Q. Have you ever attended any meetings of the Congress of Democratic Action?

A. Not to my knowledge.

Q. Well, what do you mean "not to your knowledge?" [4475]

A. Not that I can recall.

Q. You may have attended without your knowledge?

A. The point is that I go to many meetings in the course of my work. I am not sure that I never attended any meeting that was sponsored by the group that you have named.

Q. Would that answer be the same with regards to attending Communist Party meetings?

A. No, sir. That would not be the same.

Q. Do you read the People's World?

A. Yes.

Q. Do you subscribe to it? A. Yes, sir.

Q. Did you read an article in the People's World of March 31, 1939 reporting you as having

(Testimony of Sam Kagel.)

been a sponsor of the Congress of Democratic Action? A. I did not.

Q. How long have you been subscribing to that?

A. Our office subscribes to it, as we do to all newspapers.

Q. Well, how long a period?

A. Well, I am trying to—I think for the last two years. I am not sure.

Q. Were you subscribing to it on March 31, 1939?

A. I am not sure. It may be. The point is that the paper comes into the office, but I do not read it every day. [4476] We receive over a hundred papers in our office through the week. It is impossible to cover all of them.

Q. I don't know whether you were asked this on direct examination or not. Were you asked where you were born? A. No, I was not.

Q. Where were you born?

A. Right here in San Francisco, south of the slot.

Q. Are you married? A. Yes, sir.

Q. Did you ever write any speech—well, strike that out.

That is all, your Honor.

Presiding Inspector: Anything further?

Mr. Grossman: Just a moment.

Mr. Del Guercio: There is just one more question, if your Honor please, if I may ask it.

Presiding Inspector: Yes.

(Testimony of Sam Kagel.)

By Mr. Del Guercio:

Q. Do you know Aaron Sapiro?

A. I met Aaron Sapiro once or twice.

Q. Have you ever admitted to anyone that you were a member of the Communist Party?

A. No, sir; because I am not a member of the Communist Party and never have been.

Mr. Grossman: Is that all? [4477]

Mr. Del Guercio: That is all.

Mr. Grossman: No questions.

Presiding Inspector: That is all.

The Witness: Thank you.

(Witness excused.)

Mrs. King: If your Honor please, the next witness isn't here, but we will go on with our reading and he will be here in the next fifteen or twenty minutes.

Presiding Inspector: Very well.

Mrs. King: I propose to read from page——

Mr. Del Guercio (Interposing): May I be excused? I want to be excused for just a moment.

Presiding Inspector: Just wait a moment.

Mr. Del Guercio: It won't be necessary——

Presiding Inspector (Interposing): Can we go on?

Mr. Del Guercio: Yes.

Presiding Inspector: All right.

Mrs. King: I propose to read from page 3067 beginning on the fifth line to page 3073 to the point where the Government began to read on that page.

Presiding Inspector: What is the subject?

Mrs. King: It has some more to do with the set-up on the waterfront and immediately precedes the discussion of the Waterfront Worker and explains why the Waterfront Worker was undertaken.

"A. — [4478]

Mr. Myron (Interposing): Just a moment!. We haven't found it yet.

Mrs. King: Oh, I beg your pardon.

Mr. Myron: We object to that, your Honor, as not having any reference to the admissions which have been introduced by the Government.

Presiding Inspector: I will have to look at it.

(The transcript containing the portion referred to was passed to the Presiding Inspector.)

Presiding Inspector: Where is this now, Mrs. King?

Mrs. King: It begins on the fifth line of page 3067.

Presiding Inspector: Where does it go?

Mrs. King: Down to the place where the Government itself read on page 3073, which is the last question. They started to read the last question on 3073.

Presiding Inspector: Did they read this 3066? Was that read?

Mrs. King: Yes. They read the part of 3066 to the bottom of the page. They started on 3065 to the bottom of page 3066, and what I am proposing

to read really is the portion between the quote which the Government read on page 3066 and the portion which the Government started on page 3073, feeling that this is just a part of that general picture, that what was taken out is relevant to a clear understanding of the picture on the waterfront at that time. It is very much of the same character as the last quotation that I read last night. [4479]

Presiding Inspector: Now, where do you end?

Mrs. King: What?

Presiding Inspector: Where does your offer end?

Mrs. King: Beginning with the fifth line on page 3067 and ending three lines from the bottom of page 3073, which is the beginning of the Government's quotation.

Presiding Inspector: Of course, I haven't read the testimony offered, but it seems to me that this is on a separate subject.

Mrs. King: I don't believe it is, your Honor, for this reason: It seems it impinges on two subjects covered in the Government's quotations. In the first place, it explains the difficulties that the longshoremen were suffering, which were set forth in the Waterfront Worker. It also has a very clear bearing, it seems to me, on the question of why Mr. Bridges cooperated with the Marine Workers Industrial Union, particularly, towards the end of this quotation. It seems to me that if the Government is entitled to show his connection with the Waterfront Worker, and his connection with the Marine

Workers Industrial Union, he is entitled to show the reasons for those connections.

Presiding Inspector: Yes. Is that what they introduced from his statements, what his connection with those matters may have been?

Mrs. King: They introduced the fact that he co-operated with [4480] the Marine Workers Industrial Union.

Presiding Inspector: Is that in here?

Mrs. King: That comes along.

Presiding Inspector: In what they have already introduced?

Mrs. King: Yes.

Presiding Inspector: Just tell me what the—

Mrs. King (Interposing): The material they introduced on the Marine Industrial Workers Union?

Presiding Inspector: Yes.

Mrs. King: Just a moment. That was one of the four subjects that was specified as being introduced by them. They introduced material on the Marine Workers Industrial Union, and on the Waterfront Worker, and on the IWW, and on Communist literature purchased by Mr. Bridges. Those were the four subjects.

Mr. Myron: The testimony introduced by the Government was introduced as admissions made by the party at a former hearing. Now, any evidence introduced by Alien's counsel must be introduced at this time to qualify or explain the subject matter of those admissions. We say that this doesn't even

remotely refer to the subject matter of the admissions introduced by the Government.

• Presiding Inspector: It strikes me that it is remote, Mrs. King.

Mrs. King: Just a minute. At the very end there of their quo- [4481] tation,—

Presiding Inspector: Of course, I agree with your general principle that you are entitled to anything that explains or qualifies the admissions, the matter which they have introduced as admissions.

Mrs. King: For instance, on page 3073 you find this statement:

“When the strike was originally called were there any unions a part of it other than the International Longshoremen?”

“A. No, they were the only ones that struck on May 9, 1934.”

And then it goes on to say:

“Q. Did you get any support from the International organization at all, or was it a local situation?”

“A. None whatsoever.”

• Now, you will find in the portions that the Government read that they call attention to the fact that the Marine Workers Industrial Union went out on strike the next day. This entire picture of the strike gives the background against which Mr. Bridges cooperated with the Marine Workers Industrial Union, a large functioning organization on the West Coast, which was the first of the unions to go out in support of this strike after it was called. They went out on May 7th.

Now, in view of that situation, his relationship to the Marine Workers Industrial Union, which the Government calls at- [4482] tention to, is very different from what it might have been if there had been no strike situation. If there had been a functioning union of the International Longshoremen's Association.

I do not see how you can understand the admissions which the Government has introduced without a picture of the situation against which those admissions must be judged. It is part of that picture. The fact is that they read up to a point, and then skipped this portion that I am proposing to read, and then read right after it. This seems to me as a part of that story, as an integral part of it.

Presiding Inspector: It is the general practice to give wide latitude in allowing explanatory statements. I am not fully convinced that this is explanatory but, nevertheless, in the interest of fairness I will take it and let you read it.

Mr. Myron: Over the Government's objection?

Presiding Inspector: Yes.

Mrs. King: (Reading from transcript of previous hearing):

"A. It is generally known how a company union functions.

"The company union had a closed shop agreement. Everybody had to be a member of the company union. It was simply a device where you were supposed to bring any complaints you had against

the employers to the officials of the company union. The minute you done that, the official of the company union went to that particular employer and said, 'Now, get rid of him fast.' And you were just blacklisted. [4483]

"Therefore, when you had a choice between being short-changed in your wages, or one thing and another, on the one hand, and the choice of reporting it to the company, so-called, union, on the other hand, you would be blacklisted off the waterfront. You took the short change and you took the other abuses and you generally kept quiet about it.

"There were a few of us that fought it. I got into trouble with it again around 1929 and I had another 18 months' layoff.

"Generally, the men were pretty well beaten and disorganized at that time and it was very hard to do anything about it.

"Q. Did the company union have union meetings?

"A. Of a type.

"Q. What do you mean by that?

"A. Well, there was a group of these bosses and the officials, and a little clique that used to hang around the company union hall and play gambling games; they had a lot of card-sharks around there, people that used to handle crooked dice—of course, every longshoreman knew better than to get into one of those games—and this was the group that used to make up the union meeting.

"Of course, if any ordinary working longshoreman raised a protest in the union meeting—we tried it once—why, we got thrown down the stairs, as a rule.

"Q. I take it there wasn't a great deal of democracy [4484] in the country, in those unions?

"A. No, I would say not.

"Q. Now, I interrupted you a moment ago when you were about to describe the activities of the union in 1933.

"A. Well, beginning with our—as far as the waterfront was concerned, I have already dealt with the longshoremen. The new deal came in, I think it was in April—I mean, the NRA came in after the election campaign, and I think it took effect in April. Under the NRA there began to be quite a surge for organization, and we already had the apparatus laid.

"In other words, there was a group of 15 or 20 of us functioning on the waterfront by that time. We had an organizational apparatus, so it was not very long under the NRA, with the organization incentive that that gave, until we had a union organized on the waterfront.

"Between April and June, 1933, we organized a majority of the longshoremen into a union and got a charter in the ILA, A F of L. And then came the task, of course, of getting the union into shape.

"Also, we had to give some attention to the other organizations on the waterfront. The seamen had no union to speak of; they also had what was in effect

a company union. As a matter of fact, our company union headquarters were in the same headquarters as the Seamen's Union, and Scharanberg, who was an official of the Seamen's Union, worked very [4485] closely with the company union officials. In other words, it was an employers' set-up all the way down the line.

"The Seamen's Union was a company union, to all intents and purposes, the same as our union, so we couldn't deal with one without very well dealing with the other, and we would have to give some attention to the organization of Seamen. We tried that in 1933, but we were generally rebuffed by their officials, who, in effect, said that, "We don't want anything to do with the longshoremen."

"So we went ahead by ourselves, and so we went through all the organizational stages, and this and that and the other thing, and generally had the union in pretty fair shape by January, 1934.

"Q. Meanwhile, what was the condition of, for instance, the Marine Cooks and Stewards, the Marine Firemen?

"A. Those unions remained in that company union state until May, 1934, when we was able to put sufficient pressure on them to force them on strike.

"Q. And were there any developments in the Longshoremen's Union between January '34 and the strike, or was it just a continued—

"A. (Interrupting): Well, it was in June, very shortly after our union got started, the Longshore-

men's Union, that we found out that the president of it was an employer's agent, employed and paid by the Industrial Association of [4486] San Francisco—Lee J. Holman. He got himself elected as president of our union by connivance, by the support of the Labor Council, by the support of the probation officer in San Francisco, and apparently a little help from the police department and what-not.

"So we had to organize to correct that situation, and that is where we formed the equality group.

"Q. When *that* was formed, as closely as you can fix it?

"A. As far as I can recall, in June, 1933. In addition to that, many of our members, as soon as you got active in our organization you were discriminated against on the waterfront. So we had some 14 men at that time who had been fired from their jobs for joining our union, even though there was a great to-do about the NRA.

"It was my idea and the idea of other people around me that to break the back of the company union we had to break its back in the place where it was the strongest, and that was the Matson Navigation dock. There had been four men, four of our best men fired from that dock for talking about and being active in our union, and eventually we organized a strike against that company in October, 1933, and won.

"Q. Now, was that an I. L. A. strike?

"A. That was an I. L. A. strike, yes, by the local

union here. We had the four men reinstated on the job, and of course that—we also organized a little business there where [4487] we burned our company union books, that is, a lot of the people that hadn't thrown them away. We made a bonfire and burned them in front of the Matson Company at that time, and of course all these things gave an added drive to our organization.

“From then on the organization started to move, until January, 1934, when we were up against the international and district officials. We sent two men from our local, myself and Dietrich, to visit the other locals on the Coast to demand a convention be called, to unite the Coast. We had already built up our local; the next step was to unite all the locals on the Coast on one program, and for that reason it was necessary to get a convention called, a Coast convention, and it was necessary to have it called by elected delegates, not by appointed delegates.

“There had already been one convention called where all the delegates were appointed by the international or district officers, and the membership had nothing to do with it; so we repudiated all the actions of that convention, mainly through the lead of the small group that we had organized in the Albion Hall, and eventually we sent myself and Dietrich in a delegation to visit the other ports.

“The other ports all voted in favor of calling a convention in San Francisco, February, 1934. At that convention the demands for the 1934 longshore-

men's strike were drawn up, and [4488] from that convention submitted to a referendum vote. Later on, of course, after the strike was originally set for March 7, 1934, at the request of the President we postponed the strike and it was eventually called on May 9, 1934.

"Q. Now, meanwhile what had happened to the company union, before the strike?

"A. We got rid of it. There was—it just folded up.

"Q. What were the demands made upon which the strike was based?

"A. Wages at that time were 85 cents an hour. The demands were for \$1 an hour straight time, \$1.50 overtime; a 6-hour day, instead of the 8-hour day; hiring through the union hiring halls, that is, establishing and hiring through union hiring halls; and no separate port agreements. They were the four demands.

"In other words, one Coast agreement and no separate port agreements. The reason we put that in is the past history of the Pacific Coast had shown that it had always been an instrument of the employers to sign separate agreements with the ports and play them one against the other, so we were determined to get one Coastwise agreement. Ultimately we did, of course.

"Q. When the strike was originally called, were there any unions a part of it other than the International Longshoremens? [4489]

"A. No, they were the only ones that struck on May 9, 1934.

"Q. Did you get any support from the international organization at all, or was it a local situation?

"A. None whatsoever. We never have—the International Longshoremen's Association at no time got any support from the International in any strike. All they got was threats to revoke their charter if they struck; and one thing and another."

[4490]

I am now turning to page 3075. I believe that is immediately after the Government's quotation beginning on 3073.

Presiding Inspector: 3075? Whereabouts on 3075?

Mrs. King: At the beginning of page 3075. On page 3076 you will see some mention of the Marine Workers Industrial Union. The quotation goes more on the picture of the general strike as it occurred—

Mr. Myron (Interposing): What is your contention? That it refers to what admission introduced by the Government?

Mrs. King: That it refers, as before: to the reason why the Waterfront Worker was started and also particularly to the Marine Workers Industrial Union and the reason why Mr. Bridges was ready at that time to cooperate with the Marine Workers Industrial Union, and it gives the entire picture of the strike situation at that time.

Now, I would like to read from the beginning of page 3075 to the last question on page 3092. It doesn't seem to me that the relation of Mr. Bridges to the Marine Workers Industrial Union is possible to be understood without a picture of the situation, the background against which it arose.

Presiding Inspector: How far do you read?

Mrs. King: Down to the last question on 3092.

If your Honor please, at this time I believe that the witness has come in and we would like to have the morning recess now and go on with the witness, if we can and then [4491] take this up at some later time.

Presiding Inspector: Very well.

(Whereupon a short recess was taken.)

Presiding Inspector: Call the witness, if you will.

ROSCO GEORGE CRAYCRAFT

called as a witness on behalf of the Alien, being first duly sworn, was examined and testified as follows:

Direct Examination

By Mr. Gladstein:

Q. Will you state your name, please?

A. Rosco George Craycraft.

Q. Spell it, please.

A. C-r-a-y-c-r-a-f-t.

Q. How is your first name spelled, Mr. Craycraft?

A. R-o-s-c-o.

(Testimony of Rosco George Craycraft.)

Q. Will you please state where you reside?

A. 025 Southwest Curry, Portland.

Q. Are you a man of family?

A. Wife, two children.

Q. Do they reside with you at that address?

A. Yes, sir.

Q. What is your occupation?

A. International Executive Board member of the International Longshoremen's and Warehousemen's Union.

Q. When did you acquire that office, please?

A. I think in the spring of '39.

Q. The spring of 1939? [4492]

A. 1939.

Q. Now, prior to becoming a member of the International Executive Board of the International Longshoremen's and Warehousemen's Union did you work as a working longshoreman?

A. Yes, sir.

Q. Beginning when, please? A. '29.

Q. 1929? A. Yes, sir.

Q. And where? In what city did you work as a longshoreman? A. Portland entirely.

Q. Portland what?

A. Entirely; all the time in Portland.

Q. That is, Portland, Oregon?

A. Portland, Oregon.

Q. For how long did you continue to work as a longshoreman in Portland after you once began in 1929? A. Ever since.

(Testimony of Rosco George Craycraft.)

Q. Have you held other union offices besides the ones that you have just mentioned?

A. I was Secretary of the Portland Local in the years 1937 and 1938.

Q. Is that the Portland Local Union of the Longshoremen? A. Yes, sir. [4493]

Q. And in 1936 and 1937 it was, was it not, a part of the then known International Longshoremen's Association? A. Yes, sir.

Q. Subsequently transferred its affiliation to the CIO, and became the International Longshoremen's and Warehousemen's Union, did it not?

A. Yes, sir.

Q. Did you hold the office of Secretary of the Portland longshore local union for two years?

A. Yes, sir.

Q. 1936 and 1937? A. No, 1937 and 1938.

Q. I beg your pardon. Now, prior to 1937 did you hold any office or position for the union?

A. I was a member of the Local Executive Board from 1933 up until the time I went in as Secretary of the union in 1937, outside of one six-months period in '35.

Q. How was your selection to that position made?

Mr. Del Guercio: Now, if your Honor please, we have listened to all these preliminary questions for about five minutes.

Presiding Inspector: Yes. We know who he is now. This is all for identification.

(Testimony of Rosco George Craycraft.)

Mr. Gladstein: Yes, it is. Not just for identification, but also to bring out sufficiently personal data to enable the trier of the facts to take into consideration those data in [4494] determining the weight of the evidence.

Presiding Inspector: Well, I call that "identification".

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. In 1934, Mr. Craycraft, did you hold any office in connection with the strike?

A. I was Chairman of the Local Strike Committee.

Q. Did you hold any similar position in 1936 during the strike of that year?

A. I was Chairman of the Relief Committee.

[4495]

Q. Do you know a man named Maurice J. Cannalunga?

A. Yes, sir.

Q. When did you first become acquainted with him?

Mr. Del Guercio: If your Honor please, I will object to any further questioning of this witness' relations with Maurice Cannalunga. Apparently the Court knows what he has in mind.

Presiding Inspector: I think I do. I have heard some statement from Mr. Gladstein along that line.

Mr. Del Guercio: You know the circumstances under which this alleged statement was—I say "alleged statement" because it can't be called by any other name—was made and that this witness was

(Testimony of Rosco George Craycraft.)

brought down here in connection with the same matter.

Presiding Inspector: I think it is a troublesome matter. I think I will take the testimony.

Mr. Gladstein: Read the question, please.

Presiding Inspector: It is over your objection, Mr. Del Guercio, and very properly you should make the objection.

(The question referred to was read by the reporter as above recorded.)—

A. During the 1936 and 1937 strike.

By Mr. Gladstein:

Q. Just very briefly, and in a general way, Mr. Craycraft, please state how that acquaintance was formed? [4496]

A. Maurice Cannalonga was a member of the Strike Committee, representing the Marine Firemen's Union. I was a member of the Strike Committee representing the longshore union. We held Strike Committee meetings practically daily.

By Mr. Gladstein:

Q. In what city? A. In Portland.

Q. Was this throughout the duration of that strike? A. Yes, sir.

Q. And is that the way in which you became acquainted with him?

Presiding Inspector: That is what he said. You asked him that.

The next question.

(Testimony of Rosco George Craycraft.)

By Mr. Gladstein:

Q. Since the 1936-'37 strike have you had occasion to see Mr. Cannalonga? A. I have.

Q. When was the first time?

A. April 30 of this year.

Q. How do you fix the date?

A. We had a special meeting of the longshore union called in Portland on that date.

Q. And did you see him on the same day?

A. I seen him on the same day of this special meeting.

Q. Before or after the meeting? [4497]

A. I seen him before the meeting and after the meeting.

Q. Where did you see him when you saw him before the meeting?

A. On the West Kussetta—K-u-s-s-e-t-t-a—I believe it is spelled.

Mr. Del Guercio: What?

The Witness: West Kussetta.

By Mr. Gladstein:

Q. A ship? A. Yes.

Q. Where was that ship docked?

A. At Irving Dock.

Q. In Portland? A. In Portland.

Q. Do you recall what time of day it was when you saw him?

A. Probably 6:30 in the evening, just prior to the time that the membership meeting would take place.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: Are you having some difficulty in speaking? It is difficult to hear you even at this short distance?

The Witness: I know; I have sinus trouble.

By Mr. Gladstein:

Q. Were you with him on the ship on that occasion?
A. Yes, sir. [4498]

Q. Where on the ship?

A. I met him in his room on the ship and just talked to him briefly. There were a couple of other shipmates of his in the room. I told him that I had a special meeting to attend of my own local union and if the meeting didn't go too long I would come down and see him again that night, or I would come down the following morning.

Presiding Inspector: When was this?

The Witness: On April 30.

Presiding Inspector: What day of the week?

The Witness: Wednesday.

By Mr. Gladstein:

Q. Did you, on that occasion, tell him, or did he ask you what purpose, if any, you had in mind in seeing him?

Mr. Myron: That is a leading question. You should ask for the conversation.

Presiding Inspector: I don't see how the conversation of April 30th has the slightest materiality. He was sworn as a witness after that.

Mr. Gladstein: Pardon?

Presiding Inspector: He was sworn as a witness after April 30th, wasn't he?

(Testimony of Rosco George Craycraft.)

Mr. Gladstein: No.

Presiding Inspector: When was he sworn?

Mr. Gladstein: Prior to April 30th. [4499]

Mr. Grossman: What is the date?

Presiding Inspector: I don't know, but I supposed it was before. What date was he sworn?

Mr. Gladstein: I can't tell you the exact date right now. I knew it was prior to April 30th. Mr. Cannalunga testified I would say, approximately ten days or so previously.

Mr. Del Guercio: April 17th.

Presiding Inspector: Let us find out why he went to see him.

Mr. Gladstein: I have been told that Mr. Cannalunga testified on April 17th in this proceeding.

Presiding Inspector: Very well.

By Mr. Gladstein:

Q. Would you state, Mr. Craycraft—

Presiding Inspector: I thought it was after that.

By Mr. Gladstein:

Q. Will you state what occasioned you to go to Mr. Cannalunga on the ship on April 30th?

A. I was returning home after I had attended the ILWU Convention in Los Angeles. I stayed over in San Francisco here several days. I picked up a paper one day and I read where Maurice Cannalunga had testified in the Bridges trial, and at the bottom of the article his answer—

Presiding Inspector: Never mind what his answer was, what was in the newspaper. You read

(Testimony of Rosco George Craycraft.)

something in the news- [4500] paper that he testified to.

The Witness: His statement in the newspaper—

Presiding Inspector: Never mind his statement in the newspaper.

Mr. Gladstein: This goes—

Presiding Inspector: We will exclude any newspaper statement. He read something about Mr. Cannalunga.

Mr. Gladstein: What he read in the newspaper doesn't bind Mr. Cannalunga, the Government, as to the testimony, but it does show—

Presiding Inspector: I may bind me and I am excluding it. Go ahead.

Mr. Gladstein: How can it bind you? It goes to the motivation—

Presiding Inspector: I am not going to take it at this time.

Mr. Gladstein: I offer to prove—

Presiding Inspector: I won't accept your offer to prove.

Mr. Gladstein: I have a right to make an offer of proof in the record.

Presiding Inspector: No, you haven't. Go ahead. He read something in the newspaper about Mr. Cannalunga.

By Mr. Gladstein:

Q. Well, Mr. Craycraft, let me ask you this: Did you read something in the newspaper concerning

(Testimony of Roseo George Craycraft.)

Mr. Cannalunga [4501] which had any connection with your going to see Mr. Cannalunga?

Mr. Del Guercio: I will object to the form of the question.

Presiding Inspector: I will take that.

A. Yes.

Mr. Gladstein: Do I understand your Honor won't permit me to bring out what this was?

Presiding Inspector: No. We don't care what was in a newspaper. How is that material?

By Mr. Gladstein:

Q. What was your purpose, Mr. Craycraft, in attempting to speak with Mr. Cannalunga?

Mr. Del Guercio: I will object to that as immaterial as to what purpose he had.

Presiding Inspector: What did he do? Let us hear what he did, and the purpose will probably be obvious.

Mr. Gladstein: I will withdraw that.

By Mr. Gladstein:

Q. After reading this item in the newspaper what, if anything, did you do in connection with attempting to talk with Mr. Cannalunga?

A. After reading the article I went up to see Mr. Bridges, and I told him I was acquainted with Mr. —

Presiding Inspector: You saw Mr. Bridges. We won't have any conversation with Mr. Bridges.

Go ahead. You saw Mr. Bridges. Then what did you do? [4502]

(Testimony of Rosco George Craycraft.)

A. (Continuing) I asked him——

Presiding Inspector: Not any conversation. Where did you go then?

A. (Continuing) I went back to Portland to attend to my regular duties in my capacity as Board Member.

By Mr. Gladstein:

Q. Executive Board Member?

A. Executive Board Member; yes.

Q. What efforts, if any, did you make to find out where Cannalonga was?

Mr. Del Guercio: If your Honor please, I will object to that. It doesn't make any difference.

Presiding Inspector: I will allow it.

A. That was a request I made of Mr. Bridges to try to locate Mr. Cannalonga so I could speak to him and——

Presiding Inspector: Didn't you understand me to tell you not to give the conversation with Mr. Bridges?

Mr. Grossman: That was one of the efforts he made——

Presiding Inspector: Just a moment. It was after you left Mr. Bridges that you were asked what efforts you made. Did you understand me first?

The Witness: I thought according——

Presiding Inspector: Just a moment. Did you understand me?

The Witness: Not in that way. [4503]

Presiding Inspector: You didn't understand that

(Testimony of Rosco George Craycraft.)

I ruled that you could not give the conversation with Bridges?

The Witness: I don't see how I could answer the question without answering that way.

Presiding Inspector: Did you understand my ruling?

The Witness: I will have to say "No" to that.

Presiding Inspector: Be careful. [4504]

By Mr. Gladstein:

Q. Did you after your return to Portland learn that Mr. Cannalunga was working on the West Kusetta? A. Yes, sir.

Q. Do you remember when that information came to you?

A. On the evening of April 30th Mr. Redman came to my house and told me that Cannalunga was working on the—

Mr. Myron: (Interposing) We object to that conversation.

Presiding Inspector: We don't care for any conversations.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. You learned on April 30th, is that correct?

A. That's right.

Q. Was it early evening or late evening?

A. Early evening around 5:00 or 5:30.

Q. After getting that information as to where Mr. Cannalunga was what, if anything, did you do in the way of an effort to talk with Mr. Cannalunga?

(Testimony of Rosco George Craycraft.)

A. I went immediately down to the ship and held a short conversation with Mr. Cannalonga.

Q. Did he recognize you?

A. Yes, sir. He seemed very well pleased to meet [4505] me.

Q. Was he friendly?

A. Yes, sir. He offered me a drink. Very friendly.

Q. How long were you with him that first occasion? A. Not over ten minutes.

Q. Will you give all the conversation that you had with him that you remember?

Mr. Del Guercio: I will object, your Honor.

Presiding Inspector: I will exclude it. Now, you may ask him if he said anything that was contrary to what Mr. Cannalonga said and quote it to him and ask him whether he said that or that in substance, leading him.

Mr. Gladstein: I am willing to do that, your Honor.

Presiding Inspector: That's the way to proceed, I think.

Mr. Del Guercio: We will object also to that, your Honor.

Presiding Inspector: I know. But I will take it over your objection.

Mr. Gladstein: Are you ready, your Honor?

Presiding Inspector: Go ahead.

By Mr. Gladstein:

Q. On that first occasion, Mr. Craycraft, did Mr. Cannalonga state to you anything to the effect that

(Testimony of Rosco George Craycraft.)

he had given testimony in the Bridges case which was untrue? A. No.

Mr. Del Guercio: I will object to that. [4506]

Presiding Inspector: He said "No".

By Mr. Gladstein:

Q. Did he state to you on that first occasion anything concerning the testimony that he had given? A. No.

Q. In essence did anything occur other than a general discussion?

A. That is all, and to make arrangements for another meeting.

Q. And what were those arrangements?

A. I was to either come back after the union meeting that night or come down and see him the next morning.

Q. When is the next time after this first conversation on April 30th that you saw Mr. Cannalonga?

A. There wasn't a quorum at the meeting, so no meeting was held. I went back down to the ship at approximately 8:00 or 9:00 o'clock.

Q. Did you see Mr. Cannalonga then?

A. Yes, sir.

Q. Where on the ship?

A. First in his stateroom, then we went back to his little workshop between No. 4 and No. 5 hatch.

Q. Who, if anybody, was with you and Cannalonga on that occasion?

A. I don't know the shipmates on the boat who were in his room, but he had his radio playing. So

(Testimony of Rosco George Craycraft.)

he requested [4507] that we go back to his workshop and we went back alone.

Q. On that occasion, beginning at approximately nine o'clock in the evening, as you have stated, how long were you with him?

A. Oh, I would say, approximately 20, 25 minutes.

Q. On that occasion did you have a discussion with him? A. Yes, sir.

Q. In that discussion did Mr. Cannalonga make any statements with reference to the testimony he had previously given in the Bridges case?

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: I will take it.

A. Yes.

By Mr. Gladstein:

Q. What were those statements?

Presiding Inspector: No, not generally. Only contradictory statements.

Mr. Gladstein: Well, of course, this witness didn't hear the Cannalonga testimony.

Presiding Inspector: No, but you can suggest it to him.

Mr. Gladstein: Yes, I could suggest things to him. That is true.

Presiding Inspector: This is for the sole purpose of [4508] impeaching credibility of Mr. Cannalonga, as I understand it.

Mr. Gladstein: Yes. And there are also other things that we are interested in bringing out, too.

(Testimony of Rosco George Craycraft.)

It isn't only that. It isn't merely that he made statements contradictory to his testimony, but that he made other statements which we feel are very material.

Presiding Inspector: I don't know whether we will take those other statements. Now, we will take first the ones that are contradictory. Let us take up one thing at a time. I am trying to confine this witness to this subject now of contradictory statements, and it is in view of some things that have been said that I have acted a little sharply with this witness.

Mr. Gladstein: All right, your Honor.

By Mr. Gladstein:

Q. Now, Mr. Craycraft, on that occasion in the evening or at night April 30th of this year did Mr. Cannalonga make any statements to you along the line that he had given untrue testimony or had made untrue statements to the FBI?

A. That is correct.

Mr. Del Guercio: If your Honor please, I will object to that unless counsel states the exact—

Presiding Inspector: (Interposing) Well, I think he is going to follow it up. I will let it stand with that understanding.

Mr. Gladstein: Yes. My next question is, What were [4509] those statements?

Presiding Inspector: Yes.

By Mr. Gladstein:

Q. What were those statements, please, Mr. Craycraft?

(Testimony of Rosco George Craycraft.)

Mr. Myron: Of course, the Government objects to this line of inquiry.

Presiding Inspector: Yes, I know. But I have ruled that under the peculiar circumstances in this case I will broaden the usual rule of the common law and allow contradictory statements to be shown. I have already ruled that in relation to the testimony of Mr. Shoemaker, and I am going to follow it in this case.

Mr. Del Guercio: The Court has mentioned "peculiar circumstances" surrounding the taking of the statement.

Presiding Inspector: Yes. A subpoena was issued and it couldn't be served. The trial is still in progress. There has been no possibility evidently of producing the witness after the subpoena was issued. Under those circumstances I will take the contradictory statements.

Mr. Del Guercio: Does the Court——

Presiding Inspector: (Interposing) As bearing on his credibility.

Mr. Del Guercio: Does the Court also have in mind that the reports that were submitted to him in connection with the efforts made by the officers of the Immigration and Naturalization Service in looking for Cannalonga and that [4510] those efforts are continuing?

Presiding Inspector: Yes, I know that. Yes.

Mr. Del Guercio: And also——

Presiding Inspector: (Interposing) But it

(Testimony of Rosco George Craycraft.)

would only postpone taking the testimony of this witness.

Mr. Del Guercio: What?

Presiding Inspector: It would only postpone taking the testimony of this witness. If it is on that ground, if you think that Mr. Cannalunga will be produced I will postpone this examination.

Mr. Del Guercio: I will assure the Court that if there is anything that the Government, the Immigration Service and the FBI can do to locate Cannalunga it is being done.

Presiding Inspector: Well then, let us take some testimony as to when Cannalunga was last seen and something of that kind.

Mr. Del Guercio: What I had in mind, if the Court please, also in connection with these peculiar circumstances—

Presiding Inspector: (Interposing) I thought that Mr. Cannalunga would in all probability not be found.

Mr. Del Guercio: I don't—

Presiding Inspector: (Interposing) You don't think that is justifiable?

Mr. Del Guercio: Justifiable.

Presiding Inspector: You do not. [4511]

Mr. Grossman: Your Honor, if we wait on Mr. Cannalunga that means waiting on the line of witnesses such as Mr. Craycraft, which is going to necessarily mean—and I am sure it can be avoided—a delay in the trial of this case for that reason, because I do not think that it is fair or the law re-

(Testimony of Rosco George Craycraft.)

quires that we be asked to put on this type of evidence after we have closed our direct case. I think we have a right to put it on in our direct rebuttal case and we are coming very close to the end of our case, and if we are going to delay it is going to mean that. And I think your Honor should bear that in mind. It is liable to mean a delay, which we don't think is necessary. And finally is the fact that your Honor has just mentioned, in any event, no matter what Mr. Cannalonga says, if he does appear, the testimony of these witnesses or Mr. Craycraft in particular is relevant and will be given in any event unless he admits the whole of the testimony, which is exceedingly unlikely, in all its details. If there are any differences, as your Honor states, we can't put on Mr. Craycraft. Considering that I don't think it is worth while holding up the hearing. If, as Mr. Del Guercio says, all the energies of the Immigration and Naturalization Service and FBI and all the other services he mentions have been working on this for two weeks, starting from the same city at least an hour or, let us say, two hours after he was last seen; if after that they haven't found him in two weeks, though let us grant for the purpose [4512] of argument that they are bending all their energies, still after two weeks I think it is reasonable to assume that he is not going to appear at least within the next two or three days. And that means a delay of our hearing.

Mr. Del Guercio: If the Court please, while these

(Testimony of Rosco George Craycraft.)

statements are being made we may just as well correct every statement made by counsel.

In the first place, he misquoted me. I said that every effort was being made by the Immigration and Naturalization Service and the FBI. Now, the FBI haven't entered into it until just recently. Of course, this is an Immigration case, primarily. But there are other circumstances that we want to point out to the Court in connection with this matter now under consideration, and that is the "peculiar circumstances" that I thought the Court had in mind. And I think that for that purpose we should review shortly, because we didn't have an opportunity to argue the matter, and the circumstances are this:

We must first consider that a request for a subpoena, as I understand it, and as the record will show, was not made until Wednesday morning. I believe I am correct in that. If I am not correct, counsel there for the defense will correct me.

Presiding Inspector: I think that Mrs. King said that it was Wednesday morning. [4513]

Mr. Del Guercio: Yes. Now, it is admitted here that Mr. Gladstein, an attorney for Mr. Bridges, saw Cannalunga at Portland, Oregon on a Saturday preceding that Wednesday. It is admitted by counsel that he had had a certain conversation with Cannalunga at that time. He therefore had an opportunity—the witness was available then. A statement has been made that Mr. Wixon, who was the District Director of the Immigration and Naturalization Service, who was issuing subpoenas,

(Testimony of Rosco George Craycraft.)

was not available on Saturday and, further, that he had told Mrs. King and counsel that he would not issue subpoenas on Saturday. We have Mr. Wixon in the Court room here to give the lie to that.

Mr. Grossman: That statement was not made, Mr. Del Guercio, and the record will show that statement was not made. "

Mr. Del Guercio: The record will speak for itself.

Mr. Myron: The record will speak for itself.

Mr. Grossman: The——

Mr. Myron (Interposing): The record speaks for itself.

Presiding Inspector: Let Mr. Del Guercio make his statement. Then I will hear you.

Mr. Del Guercio: The record further shows that Mr. Gladstein admitted seeing Cannalonga on a Sunday, the following Sunday, that is, prior to this Wednesday. It further shows that persons working for Mr. Gladstein and for others saw that witness on a Monday and also on a Tuesday. So that [4514] Mr. Cannalonga was available to them on Saturday, Sunday, Monday and Tuesday. So that they can't come in and say that the witness was not available and, therefore, "We ask that his statement that he made", if it was a statement, "be admitted."

He was available to them on those four days, Saturdays, Sunday, Monday and Tuesday, and so the ground on which Cannalonga's alleged state-

(Testimony of Rosco George Craycraft.)

ment was admitted I think was erroneous, and improper.

Presiding Inspector: It may be.

Mr. Del Guercio: And I think on that ground the Court should reconsider this decision.

Presiding Inspector: No. I am going to let it stand as it is. Now, I want to hear about why Mr. Cannalunga isn't here. When did this man last see him?

Mr. Gladstein: I am perfectly willing to have that answered.

Mr. Del Guercio: We will object also to this testimony, to taking any further testimony at this time.

Mr. Gladstein: I would like to hear that objection. Do I understand that your Honor wants to know from Mr. Craycraft when the last time was that Mr. Craycraft saw Mr. Cannalunga?

Presiding Inspector: Yes.

Mr. Gladstein: And that Mr. Del Guercio is objecting [4515] to that testimony, too?

Mr. Del Guercio: Yes, that is right.

Presiding Inspector: I would like to know when the last time is.

Mr. Gladstein: Your Honor, I have no objection to your asking him.

Presiding Inspector: When was the last time you saw Cannalunga?

The Witness: On Monday night, approximately 9:00 o'clock, and I just don't remember the exact date. It is the first Monday in May.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: Where was that?

The Witness: On the West Kussetta Terminal No. 1, Portland.

Presiding Inspector: And you had a talk with him at that time?

The Witness: Yes, sir.

Presiding Inspector: You knew he had signed on for the voyage, or hadn't he?

The Witness: Not at that time. He was trying to get a man to take his place and he was coming to San Francisco with me voluntarily without a subpoena.

Presiding Inspector: When was that voluntary statement of Mr. Cannalunga?

The Witness: On Monday night.

Presiding Inspector: And then did you go to look for [4516] him after that?

The Witness: No. I came on to Frisco with the understanding with him that I would meet him in Frisco on Tuesday night, that he wanted to go to Seattle first before coming to Frisco.

Presiding Inspector: Ask your next question, please.

Mr. Gladstein: May I have the last question?

Presiding Inspector: He said he wanted to go to Seattle, in substance, and that he would then come out here.

Mr. Gladstein: No, I mean the last question that I asked before this began.

(The question referred to was read by the reporter as follows:

(Testimony of Rosco George Craycraft.)

“Q. What were those statements, please, Mr. Craycraft?”)

Presiding Inspector: This is over your objection.

A. When we first went back to Cannalonga's machine shop he seemed to want to talk awful bad and he wanted to explain his——

Presiding Inspector (Interposing): Never mind! Just tell us what the statements were.

The Witness: You want me to give it all, just what he said?

Presiding Inspector: In answer to what his statements were.

A. (Continuing): He stated that he had come out of [4517] the Marine Hospital in Seattle with an injured hip and he was down to the Firemen's Hall Monday.

Presiding Inspector: I think that you should be confined to telling what statements there were which he said were false. That is the question, isn't it?

Mr. Gladstein: Well, I am perfectly willing to have that question asked of the witness, but I understand now he is going to give you, your Honor, his best recollection of the exact statements that Mr. Cannalonga made.

Presiding Inspector: We don't care for the whole statements.

Mr. Gladstein: Not the whole ones?

Presiding Inspector: No.

(Testimony of Rosco George Craycraft.)

By Mr. Gladstein:

Q. Mr. Craycraft, will you give us those statements—

Presiding Inspector (Interposing): We are taking this on the ground of impeachment on the ground of contradictory statements.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Will you relate the statements which Mr. Cannalunga made that night which specifically referred to the testimony that he gave in this case?

Mr. Del Guercio: I will object to that, if your Honor please. [4518]

Presiding Inspector: Yes, I will take it.

A. Well, he said he was forced to testify falsely through intimidation of the FBI.

By Mr. Gladstein:

Q. Did he make any—

Mr. Del Guercio (Interposing): If your Honor please, I ask that that statement be excluded. It wasn't responsive.

Presiding Inspector: Yes, I think that is responsive, and I think that is contradictory.

Mr. Del Guercio: It wasn't a contradictory statement, certainly.

Presiding Inspector: I think it is contradictory. I think he said here under oath and all the sanction of cross examination that he was not intimidated.

Mr. Gladstein: That is right, your Honor.

Presiding Inspector: And I will take this state-

(Testimony of Rosco George Craycraft.)

ment for what it is worth, this statement made in the cabin or on the deck of this vessel.

By Mr. Gladstein:

Q. Did he make any other statements, Mr. Craycraft, to you on the occasion that you are talking about, with respect to the intimidation?

A. He said they was holding 20 years Mann Act charge over his head.

Presiding Inspector: I don't think that you can go [4519] into that. He said he was intimidated.

Mr. Gladstein: Well, but—

Presiding Inspector (Interposing): That the statement was false.

Mr. Gladstein: Yes. And he gave as part of his—

Presiding Inspector (Interposing): What difference does that make?

Mr. Gladstein: Well, it is very important, your Honor.

Presiding Inspector: Well it might be important, but you would have to show the relevancy. You would have to show it ordinarily by direct testimony.

Mr. Gladstein: Well, we are.

Presiding Inspector: How can you get it in through a statement of Mr. Cannalonga which can't in any way be tested by cross examination?

Mr. Gladstein: Well, your Honor, this is the point. The witness is testifying as to a conversation that he had with Mr. Cannalonga. Now, it may

(Testimony of Rosco George Craycraft.)

have been, hypothetically, that when they say, well, the person may have said "I gave false testimony," and stop. Or he may have said, "I perjured myself," and stop. Or he may say that "I was forced to give false testimony because they were holding a certain charge over my head and I couldn't help myself," and stop with the "period" there. And you are entitled to give the entire sentence. [4520]

Presiding Inspector: What you are entitled to ask is this: "Did he say this or this in substance, that the testimony that he gave here was under threats or intimidation?" If he said that or that in substance, you may give it.

Mr. Gladstein: All right. Then I can ask him what were the words that he said.

Presiding Inspector: No. I am not sure that you can go any further than that.

Mr. Gladstein: Well, suppose the witness says "Yes" in response to that question,—

Presiding Inspector (Interposing): Well, do you want to open up the question of whether they were in fact threats or intimidation?

Mr. Gladstein: I certainly do.

Presiding Inspector: You have got to show that by someone else than by the statement of Mr. Canalonga.

Mr. Gladstein: Why, your Honor, my understanding of this administrative proceeding is that you have not yet excluded testimony solely on the ground that it was hearsay. The only objection that can be made to this testimony is that it is hearsay

(Testimony of Rosco George Craycraft.)

as to the fact of whether or not the FBI intimidated him.

Presiding Inspector: Yes. But here is a charge against the Government institution based on pure hearsay from a man that you say is not worthy of belief.

Mr. Del Guercio: That is exactly what counsel is doing and [4521] making a serious charge.

Mr. Gladstein: And he testified falsely. It is our intention to prove that out of his own mouth. If we had him here we think we could force him to admit that.

Mr. Del Guercio: I question that.

Presiding Inspector: You hope. You may show any contradictory statements.

Mr. Gladstein: All right.

Presiding Inspector: Go ahead. Let us go ahead with that.

Mr. Gladstein: Before I go on with the next question, will your Honor please keep in mind when Mr. Cannalonga was on the witness stand he made a number of answers to the question that Mr. Del Guercio asked him, "Were you intimidated, threatened or coerced by the FBI?" One of his answers was "Well, yes and no." Subsequently when Mr. Del Guercio continued to ask him that question he said "Well, no." And I think I have quoted the record exactly on that.

We wish to prove that Mr. Cannalonga not only made these statements to the effect that he had been intimidated, but we wish to prove the words that

(Testimony of Rosco George Craycraft.)

he used as nearly as the present witness can recollect them. But, after all, when he answers "Yes" on the question, "Did Mr. Cannalonga tell you that he had been intimidated?" that is in a general sense a conclusion. When he says "Yes"— [4522].

Presiding Inspector (Interposing): Why didn't you take it by cross examination? [4523].

Mr. Gladstein: We hadn't had any conversations with him at that time. We did test it by cross examination.

Presiding Inspector: ~~What did he say?~~

Mr. Gladstein: He said he had been intimidated.

Presiding Inspector: I am going to let you show that he now says that was false.

Mr. Gladstein: All right.

Presiding Inspector: That is all you want, isn't it?

Mr. Grossman: May I ask you for this ruling: You have indicated——

Presiding Inspector: I will hear the second counsel now.

Mr. Grossman: This is a different argument that hasn't been made. You indicated that because the statements of Mr. Cannalonga are hearsay, which is the only legal objection that could be made to them, they are not going to be admissions on a question of whether he was intimidated, rather, how he was intimidated.

Presiding Inspector: I don't think the question of whether he was or was not, in fact, intimidated is material at this point. It may become so. But

(Testimony of Rosco George Craycraft.)

the question here is, and I have asked Mr. Gladstein to confine himself to it, is as to whether he made contradictory statements.

Mr. Grossman: I don't think, your Honor—

Presiding Inspector: This witness has testified that he said that he was intimidated. [4524]

That finished that on that point.

Mr. Grossman: Isn't it true, your Honor, that even in the most technical common law courts hearsay is admissible if it is against interest?

Now, here this admission, which is sought to be introduced, is an admission of the commission of a crime, two crimes; one, a crime of coming down here and committing perjury; and another crime, which I need not describe because I am not certain of the statute. If this were in the common law technical jurisdiction such hearsay would be admissible as against interest. If that is true, then I don't see any legal objection that can possibly be made to it.

Presiding Inspector: I never heard of that rule that you cite.

Mr. Grossman: Secondly, your Honor, we have had hearsay admissible in this proceeding—

Presiding Inspector: Yes.

Mr. Grossman (Continuing): —we have had hearsay admissible in this proceeding on the basis, I suppose, that for practical reasons it was impossible to bring the person here for examination. As a matter of fact, I can cite examples in the Government's case where a man—

(Testimony of Rosco George Craycraft.)

Mr. Del Guercio (Interposing): If your Honor please, I object to any such——

Presiding Inspector: Just a moment. I can't hear counsel's argument. [4525]

Mr. Del Guercio: He is not arguing, but making a speech.

Presiding Inspector: I do not care, I have got to hear him. Then I will hear you. We must have some order here. I know it is difficult to sit by and hear these things said, but at the same time we have got to have some order in this hearing.

Go ahead.

Mr. Grossman: To go on—I can cite example after example——

Presiding Inspector: I am not blaming you, you understand.

Mr. Grossman: I can cite example after example of what has gone into this hearing and——

Presiding Inspector: Mr. Grossman, I have said that we would confine it to this point at first.

Mr. Grossman: That is no ruling on the other.

Presiding Inspector: Not a final ruling on the balance; no. Let us hear what he says about the contradictory statements.

Mr. Gladstein: Is there a question pending?

Presiding Inspector: It is hard to tell what is a question and what is argument.

By Mr. Gladstein:

Q. This may be repetition, but I don't know just what the state of the record is on this, so I will ask again, Mr. Craycraft, you to state what Mr. Canna-

(Testimony of Rosco George Craycraft.)

longa said to you as to whether or not he had been intimidated, coerced, or threatened [4526] and, if so, by whom?

Mr. Goodwin: Your Honor, may I make an objection?

Presiding Inspector: Yes, you certainly may.

Mr. Goodwin: I understand that it is admitted that no such question as this could be asked in a court of law. Isn't that true? In your own Court of Appeals it has been decided that after a witness has left the stand he cannot afterwards put on testimony that he said that he was forced to give that testimony, that he was coerced, that he was very sorry that he made it.

Am I right in regard to that?

Presiding Inspector: Not quite right.

Mr. Goodwin: Not quite right?

Presiding Inspector: In a second trial it was shown, it was held, that it could not be shown that after the end of a trial a man had so stated.

Mr. Goodwin: That was after the testimony was given, that they wanted to put on testimony.

Presiding Inspector: I haven't read a case to that effect, but you may be right about it, but I thought not.

Mr. Goodwin: In reviewing the case of People vs. Moore that very question came up; that immediately after he left the stand he talked with different people, and he told them that he had given false testimony; that he was very sorry that he had

(Testimony of Rosco George Craycraft.)

given false testimony, but he was compelled to do so.

[4527]

Presiding Inspector: I think that was after the end of the trial.

Mr. Goodwin: Would your Honor reserve that until we look it up?

Presiding Inspector: Yes. I may be wrong.

Mr. Goodwin: I am quite sure that that was in rebuttal.

Presiding Inspector: Another trial.

Mr. Goodwin: Is it not a fact that no testimony can be adduced to contradict what a witness has said on the stand unless a foundation is laid in the question of prior testimony?

Presiding Inspector: Yes.

Mr. Goodwin: Prior testimony.

Presiding Inspector: That was the common law rule.

Mr. Goodwin: What?

Presiding Inspector: That, as I understand it, is the common law rule in general applied in this country.

Mr. Goodwin: Everywhere.

Presiding Inspector: No.

Mr. Goodwin: Perhaps not in Massachusetts, but that is very questionable. Now, there is no authority, so far as I can find, except that one Massachusetts case, where a witness is permitted to say that the witness had made a false statement, where a witness can go on the stand and testify that the

(Testimony of Rosco George Craycraft.)

witness said afterward that he made a false statement.

Now, your Honor, Mr. Del Guercio has pointed out this—let me put it this way: The matter of whether you shall [4528] receive hearsay evidence at all is within your sound discretion. You are not obliged to hear it. Considering all the facts and circumstances you must decide whether it is proper for you to hear it or not.

Now, Mr. Del Guercio has pointed out that this witness was in the possession of counsel for the other side practically as early as on Saturday; he was available on Saturday. He says, "Well, we couldn't issue a subpoena on Saturday because Mr. Wixon was not available." Mr. Wixon was available on Saturday; he was available on Sunday; he was available on Monday and he was available on Tuesday. But no effort was made to get this witness until Wednesday.

Now, they came in and asked your Honor to exercise his discretion and permit them to prove by hearsay what they had an opportunity to prove by that witness, if it was the truth. I say it is a denial of justice to the Government to permit that sort of evidence under the circumstances that Mr. Del Guercio has pointed out. There is no authority in a court of law and there is no reason for your Honor permitting it as a matter of hearsay in the circumstances that have been stated.

That is all, your Honor.

Presiding Inspector: I am going to receive the

(Testimony of Rosco George Craycraft:)

testimony of contradictory statements. I am not going to go farther than that at this time. Go ahead.

By Mr. Gladstein: [4529]

Q. I will ask you this, Mr. Craycraft—

Presiding Inspector: Ask whether he said this or that in substance. I think it is all covered.

By Mr. Gladstein:

Q. I want to direct your attention again to the nine o'clock meeting, let us call it, that you had with Mr. Cannalonga on the evening of April 30, 1941, on board the ship West Kusetta. Will you state, from the best of your recollection, all of the statements that Mr. Cannalonga made to you at that time that referred to the giving of false testimony in this case?

Mr. Del Guercio: If your Honor please—

Presiding Inspector: I won't receive that. I will allow you to ask him whether he said this or that in substance. All you want is that he made contradictory statements at this time. That is all you want at this time.

By Mr. Gladstein:

Q. I will ask you this as a preliminary question, Mr. Craycraft: In your discussion that evening with Mr. Cannalonga did he discuss with you specific parts of his testimony or was his discussion with you general?

A. He did not discuss any specific parts of his testimony, but he gave me the background of—

(Testimony of Rosco George Craycraft.)

Mr. Del Guercio (Interposing): If your Honor please, I move that the answer be stricken out:

[4530]

Mr. Gladstein: It can't be stricken out until it is spoken. Why is there this constant attempt to bottle up a witness? Mr. Goodwin says that the Government is interested in justice here, that he doesn't want the Government to be denied justice—

Presiding Inspector: Now, wait; now, wait.

Mr. Gladstein: Why aren't they interested in hearing the story and then let them do their own checking? If there is even a suspicion of injustice or false dealing, or double dealing on the part of anybody connected with the FBI it should be their first interest to have it come out, so that they can investigate it, instead of relying on all these hyper-technicalities, and red tape, and talking about the common law.

Mr. Del Guercio: In reply to that—

Presiding Inspector: This doesn't impress me at all, on either side.

Let us hear what the question was, and the answer as far as it goes.

Mr. Goodwin: While counsel is looking at his notes—

Presiding Inspector: It is the reporter who is going to refer to his notes.

Mr. Goodwin (Continuing): —may I call your attention to 14 N. Y. 419, *Staey v. Graftam*, where the testimony of a witness had been taken *de bene esse* and was read at the trial. After plaintiffs had

(Testimony of Rosco George Craycraft.)

rested the defendant offered to prove [4531] conversations with that witness after the examination in which he confessed that his evidence was false; that it was given under threats; that he regretted that he had to swear to it.

That was in and during the trial after the plaintiffs had rested.

That is all I wanted to call your attention to.

Presiding Inspector: Well, the testimony had been taken de bene esse. There was a deposition and they could have produced him, I suppose. Was he dead, the witness in this case, dead?

Mr. Goodwin: He wasn't dead. The testimony had been taken de bene esse.

Presiding Inspector: Generally it is taken de bene esse because you are going to die, within a reasonable time.

Mr. Goodwin: You might say he wasn't available then, not available; but at the same time it was excluded. It says here:

"After plaintiffs had rested the defendant offered to prove conversations with that witness after the examination in which he confessed that his evidence was false."

It was excluded.

I think that case is stronger than the case of a deposition because you might say, in the case of a deposition, "Well, the witness is no longer available." I think our case here is stronger.

Presiding Inspector: I don't know. We will

(Testimony of Rosco George Craycraft.)

have to [4522] examine the facts in that case to find out whether it is stronger or not.

We are not bound by these technical rules. I will take this within certain limits.

Mr. Gladstein: I understand that I had asked a question, and the witness had started to answer, and there was an interruption.

Presiding Inspector: This is over your objection.

Mr. Gladstein: Could we have the question and the answer again, please?

(The question and answer referred to were read by the reporter as above recorded.)

Mr. Gladstein: I think the witness should be entitled to finish his answer.

Presiding Inspector: Background of what?

A. (Continuing) Of how he came to testify as he did.

Mr. Gladstein: Are we permitted to go into that, your Honor?

Presiding Inspector: Ask the next question.

By Mr. Gladstein:

Q. What did he say?

Mr. Del Guercio: I will object to that.

Presiding Inspector: I will exclude that at this time.

Mr. Gladstein: All right, your Honor.

By Mr. Gladstein: [4533]

Q. Will you do this, Mr. Craycraft: Please fix your mind on that meeting—how long did you say that it took, that 9:00 o'clock meeting?

(Testimony of Rosco George Craycraft.)

A. Approximately 20 or 25 minutes.

Q. All right. Will you try and recall, and please state, or relate to the best of your recollection, those statements, if there were more than one, which Mr. Cannalunga had made to you, which contained in essence a statement that was contradictory to the testimony that he had given in this case?

Mr. Del Guercio: I will object to that.

Presiding Inspector: We don't care about those statements. We have this witness' testimony that he made contradictory statements. He said he was coerced. Isn't that—

Mr. Gladstein: I think we are entitled to have what Mr. Cannalunga said, your Honor.

Presiding Inspector: As proof of what? Not proof that he was coerced, but that he said he was.

Mr. Gladstein: Within the limits of your own ruling we would be entitled to that. You are, in effect, confining us merely to a statement by this witness of conclusions, instead of facts.

Presiding Inspector: That is not a conclusion, except as everything is a conclusion from a legal standpoint.

Mr. Gladstein: I did not ask Mr. Craycraft to write out for me any report of what took place in these conversations. I do not [4534] have before me any way of putting specific questions to him and saying, "Did Mr. Cannalunga say this, that or the other thing?" I have general knowledge from Mr. Craycraft of what took place in these meetings. Of course, I have personal knowledge of what took place

(Testimony of Rosco George Craycraft.)

on two occasions. But I have not yet come to them. Therefore, I am not in a position to direct leading questions to him, and you are preventing me, by your ruling, from pointing out through this witness just what Mr. Cannalonga said, even though the question I am putting to Mr. Craycraft is within the scope of your limitation, namely, as to contradictory statements.

Presiding Inspector: Yes. I am going to let you show, and have said again and again, that I will let you show contradictory statements. But I don't want to wander all over the lot.

Mr. Gladstein: If it appears that the witness is wandering I suppose he will be stopped very fast, but can we not ask him to state from his memory those statements that Mr. Cannalonga made in which there was a reference to the existence of contradiction between the facts and the testimony that he gave?

Mr. Del Guercio: The witness has testified he didn't remember what Mr. Cannalonga had said regarding his previous testimony.

Mr. Gladstein: That is not true.

Mr. Del Guercio: Or that Cannalonga didn't refer to any specific statements he had made. [4535]

Mr. Grossman: He said in the first meeting that was true.

Mr. Gladstein: And he said in the second meeting there wasn't any specific break-down as to particular things; that there was a general discussion.

Mr. Del Guercio: How can he show contradictory statements, then?

(Testimony of Roscoe George Craycraft.)

Mr. Gladstein: I don't know what the language was that Mr. Cannalonga used. I can't put it in the form of a leading question. I don't know whether Mr. Cannalonga—

Presiding Inspector: The only reason I suggested that was that he shouldn't wander all over the lot.

Mr. Gladstein: All right. I would ask leave to ask Mr. Craycraft the general question: "Tell us what Mr. Cannalonga said on this question of contradictory statements to his testimony", and if Mr. Craycraft appears to get into a field that you feel is improper, let us wait until he has finished his answer and then you can strike out those parts of his answer, or all of it, if you feel that it is improper. How can it hurt anybody? What great harm can it do anybody? If you think it shouldn't be in the record you can make a ruling on it.

Presiding Inspector: I think I will take it. Go ahead. But, of course, I don't take it now as proof of anything except that it is contradictory of what he said before the Court here.

Mr. Gladstein: I understand your ruling. [4536]

Presiding Inspector: I am not accepting this as proof of any accusation or allegation that he may have made.

Mr. Gladstein: All right.

Presiding Inspector: Go ahead.

A. At this 9:00 o'clock meeting he didn't go into contradictory evidence of what happened down here but he told me the reasons how he came to come down here to testify. I invited him over to my house for

(Testimony of Rosco George Craycraft.)

dinner the next Monday or Tuesday where he was going to give me the entire story.

Mr. Myron: That finishes the answer your Honor.

Mr. Gladstein: I didn't hear the answer. I couldn't pay attention to the answer and to the interruption at the same time.

Mr. Myron: Then ask the reporter to read it back.

Presiding Inspector: Read the answer Mr. Reporter.

(The answer referred to was read by the reporter as above recorded.)

The Witness: I haven't finished my answer.

Presiding Inspector: Go ahead.

A. (Continuing) Just before I left he requested that I see Dr. Buckner, in Seattle, who could substantiate all that had transpired in Seattle at the time he was taken in charge and when he was under investigation.

Mr. Del Guercio: I can't understand the witness, can't hear at all. [4537]

Presiding Inspector: The witness has some *affection* of the throat, evidently. It is hard to hear him.

Will you read the answer that he gave there, Mr. Reporter?

(The answer referred to was read by the reporter as above recorded.)

By Mr. Gladstein:

Q. Now, Mr. Craycraft, in the next question, in view of the Judge's ruling, I do not want you to state what Mr. Cannalonga said but I want to refer you

(Testimony of Rosco George Craycraft.)

to something that you have just mentioned in your answer. You said that Mr. Cannalunga described the circumstances under which he came down to testify. Without going into those circumstances, will you state whether Mr. Cannalunga told you, on the occasion we are talking about, that because of those circumstances, whatever he may have said, he had given false testimony?

A. That is correct.

Q. Did he say that to you?

A. That is correct.

Q. Now, when was the next time—withdraw that. When is the next time that you saw Mr. Cannalunga?

A. On Friday night at the Sunset Oil dock around 8:00 o'clock in the evening.

Q. That would be Friday night, what date?

A. That would be May 2, I believe.

Q. Now, prior to May 2; prior to the time you saw Mr. [4538] Cannalunga next, did you write any letter to anybody in which you made any reference to the fact that you had seen Mr. Cannalunga?

Mr. Del Guercio: I will object to that.

Presiding Inspector: I will take it, if he wrote a letter.

A. I wrote a letter to Brother Bridges.

Mr. Gladstein: Now, I am going to show this letter to counsel before I ask the witness to identify it.

(The letter referred to was passed to Mr. Del Guercio.)

Mr. Del Guercio: Now, if your Honor please, I object—

(Testimony of Roseo George Craycraft.)

Mr. Gladstein: (Interposing) I haven't asked a question yet:

Mr. Del Guercio: I have an objection.

Mr. Gladstein: You can't make an objection when there isn't a question yet, or can you?

Mr. Del Guercio: That is for the Court to decide, Mr. Gladstein.

Presiding Inspector: I don't know. He said, "I will show you a letter."

Mr. Gladstein: I showed it to Mr. Del Guercio.

Presiding Inspector: What are you going to do with it?

Mr. Gladstein: I guess he wants to object to the fact that I showed it to him. That is more courtesy than he extended to us. [4539]

Presiding Inspector: Ask the next question.

By Mr. Gladstein:

Q. Where were you when you sent the letter that you referred to?

Mr. Del Guercio: I object to any further questioning of this witness along that line.

Presiding Inspector: I will take it.

Mr. Del Guercio: May I finish?

Presiding Inspector: Yes. But I will take it—where he was when he wrote the letter. How can that harm anybody?

Mr. Del Guercio: Nothing could harm us as far as that is concerned, because we know what the facts are.

Presiding Inspector: Mr. Del Guercio, I didn't mean that. I meant from a legal standpoint, how

(Testimony of Rosco George Craycraft.)

could the mere fact that he was in San Francisco, or Seattle, or Tacoma, or in New York City, when he wrote a certain letter which we haven't got in evidence, be harmful? It is preliminary. We will never get through if you keep objecting like that.

Mr. Del Guercio: That isn't what I had in mind. I had in mind what counsel is up to, that is, a desperate effort here to becloud the issue. They have nothing, and this is just a smoke screen, and they are getting very, very desperate.

Presiding Inspector: I will take an answer to the question. Where were you when you wrote the letter?

A. I was in the International office in the Arcade Building in Seattle, Washington. [4540]

Presiding Inspector: What is the next question?

By Mr. Gladstein:

Q. For the purpose of identification I show you a letter which I have already shown to Mr. Del Guercio and ask you whether that is the letter which you sent with reference to your having seen Mr. Cannalonga?

A. That is correct.

Mr. Gladstein: I offer it in evidence.

Mr. Del Guercio: I object to it, if your Honor please, upon the ground that it is immaterial, incompetent and improper, and an attempt by indirection what they cannot do by direct evidence: to smear the FBI.

Presiding Inspector: I will exclude the letter.

Mr. Gladstein: Before you rule on that your Honor—

?

(Testimony of Rosco George Craycraft.)

Presiding Inspector: (Interposing) You may have it marked for identification.

Mr. Gladstein: Well, would that mean that there is a possibility that the letter will be in evidence?

Presiding Inspector: No. But you have asked about a certain paper, a writing, and it would be well perhaps if any reference is subsequently to be made to it to have it known what the letter was. I shouldn't think you would offer the letter.

Mr. Gladstein: You shouldn't think I should offer this?

Presiding Inspector: No; but that is your business.

(The letter referred to was marked Alien's Exhibit No. 23 for identification.) [4541]

By Mr. Gladstein:

Q. Now, after writing that letter I think you said that you saw Mr. Cannalonga on a Friday night, is that correct?

A. That is correct.

Q. Prior to your seeing him on Friday night did you have any conversation with any of the defense counsel with reference to the possibility of one of the defense counsel talking with Mr. Cannalonga?

A. Mr. Gladstein called me in Seattle.

Q. That's me.

A. And wanted to know if I could go to Portland and arrange with Mr. Cannalonga—

Mr. Del Guercio: (Interposing) I will object to any further testimony along that line.

Presiding Inspector: Well, it explains what I

(Testimony of Rosco George Craycraft.)

have already admitted in evidence, so I think I will take it.

Mr. Del Guercio: Well, the witness has testified that Mr. Gladstein called him, not the witness called Gladstein.

Presiding Inspector: Well, I suppose—what's the matter with that?

Mr. Del Guercio: He must have had some prior information.

Mr. Gladstein: After I had the letter, yes.

Presiding Inspector: Go ahead. I will take it.

A. (Continuing) Mr. Gladstein called me in Seattle [4542] and requested that I go down to Portland and see if Mr. Cannalunga would be willing to talk with the defense attorneys. So I proceeded to Portland that afternoon, went down to the ship to see Mr. Cannalunga approximately 8:00 at night, and I explained to him that the attorneys had called and they wanted to talk to him on the testimony he gave in this trial and would he be willing to meet me. He said "Yes" he would be glad to. So I called Mr. Gladstein back at 10:00 o'clock that night and then he proceeded to Portland the next day, Saturday.

By Mr. Gladstein:

Q. Now, in this Friday night conversation with Mr. Cannalunga where did that take place?

A. On the West Kussetta at the Sunset Oil dock.

Q. And how long were you engaged in conversation with him then?

A. Oh, very short time. The only discussion held with Mr. Cannalunga that night was to see whether

(Testimony of Rosco George Craycraft.)

he would be willing to meet with the defense attorneys and then arrange a meeting with him the next morning to see whether it was possible to get him to be up on Saturday.

Q: Was there any reference in that discussion on that Friday night to any testimony that he had given in the case?

Mr. Del Guercio: I will object to that. [4543]

Presiding Inspector: "Yes" or "No." I will take it.

The Witness: You will take it?

Presiding Inspector: Yes. "Yes" or "No."

A. No.

Presiding Inspector: Was there discussion?

The Witness: No.

By Mr. Gladstein:

Q. When was the next time that you saw Cannalunga?

A. I went down to the Crown docks the next morning, Saturday, at 10:00 o'clock and told Mr. Cannalunga that Mr. Gladstein would be in on the 1:35 plane and we would meet with him around 3:00 o'clock.

Q. Prior to seeing Mr. Cannalunga on that Saturday morning had you conveyed to me Mr. Cannalunga's willingness to talk to me?

A. By telephone that night previous around 10:00 o'clock.

Q. That is the Friday night?

A. The Friday night.

Q. And was it from that conversation that you learned when I would be in Portland?

(Testimony of Rosco George Craycraft.)

A. That is right.

Q. On the Saturday morning when you saw Mr. Cannalonga and told him that I was coming to Portland to see him did you have any discussion with him on that occasion with respect to the testimony he had given or the circumstances under [4544] which that testimony had been given?

A. No. the only request that he made of me was that the ship might be watched and he didn't want no one to see him leaving the ship or have me coming on the ship and going off with him. And so he would come out on the face of the terminal, walk down the street a block and I was to pick him up there and take him to your hotel.

Mr. Del Guercio: I move to strike that out as unresponsive and clearly improper.

Presiding Inspector: I will take it.

By Mr. Gladstein:

Q. Now, the next time that you saw Mr. Cannalonga after that Saturday morning occasion was when?

A. About twenty-five minutes to three I picked him up on Front Street.

Q. Had you prior to that time of the day seen me?

A. I met you at the plane at 1:30, took you over to the Clyde Hotel, left you there and then went down and picked up Mr. Cannalonga.

Q. Did you meet Mr. Cannalonga at twenty minutes to three, or whatever the time was?

A. I was supposed to meet him at a quarter of

(Testimony of Rosco George Crayercraft.)

three. I was a few minutes early and so was he. It was about twenty-five minutes to three. He was out in the front waiting.

Q. After you met him what happened? [4545]

A. We came on back up to the Clyde Hotel. It wasn't quite three. So Mr. Cannalunga and I went in to the Virginia Cafe, got a cup of coffee before proceeding on up to your room.

Q. And then did you come to my room?

A. Yes, sir.

Q. What took place?

A. I introduced the two of you, give you the background of my talks with Mr. Cannalunga, and stated to you that Mr. Cannalunga was very willing to talk, that he was glad to see you. So then you spoke to Mr. Cannalunga. You said "Can you give me the entire truth——"

Mr. Myron: (Interposing) The conversation between him and Gladstein?

Mr. Gladstein: That is what I am asking for.

Mr. Myron: Mr. Gladstein is the best witness for that.

Mr. Gladstein: Isn't that a silly statement?

Mr. Myron: "Silly statement"?

Mr. Gladstein: He is the man who was present in the conversation.

Presiding Inspector: Mr. Gladstein is answering you. I will take it. Go ahead.

A. (Continuing) Mr. Gladstein asked Mr. Cannalunga, "What you told Mr. Crayercraft, is that the truth?"

(Testimony of Rosco George Craycraft.)

Cannalunga said it was.

Gladstein said "I want nothing but the truth and the whole truth." [4546]

Mr. Myron: Ha! Ha!

Presiding Inspector: Go ahead.

A. (Continuing) Then Mr. Gladstein started to question Mr. Cannalunga based on the testimony that I have an idea that was previously turned in here.

Do you want me to go into that discussion, too?

Mr. Gladstein: Well, I can lead him on this because I was there on this occasion, so I know just exactly what was asked. So does this witness.

Mr. Del Guercio: I don't know whether that statement is argument or what?

Mr. Gladstein: Yes, it is argument.

Mr. Del Guercio: Or whether he is testifying.

Presiding Inspector: Is that an objection?

Mr. Del Guercio: I object to counsel's statement.

Presiding Inspector: Oh, well, I don't think that is a part of the record, really.

Mr. Gladstein: All right, sir.

By Mr. Gladstein:

Q. On that Saturday afternoon in the Clyde Hotel, Mr. Craycraft, in your presence did I ask Mr. Cannalunga to tell me in his own words about what took place on the occasions when he saw the FBI, beginning at the beginning?

A. That is correct.

Q. In answer to my question did he tell me, did he state [4547] in your presence that he was first contacted in October, 1940, by a Mr. Boyd?

(Testimony of Rosco George Craycraft.)

A. That is correct.

Mr. Del Guercio: I object to questions along that line.

Presiding Inspector: Is that contradictory?

Mr. Gladstein: If you want me to confine it to just the contradictory portions?

Presiding Inspector: Yes.

Mr. Gladstein: All right. I will go to those.

Presiding Inspector: I don't think that is contradictory.

Mr. Gladstein: This is the problem, your Honor: I have not gone through Mr. Cannalonga's testimony in this case to pick out specific portions about which I could ask the present witness. Now, I had planned to ask this witness to testify to simply what took place beginning at the beginning and giving as exhaustively as he could his recollection of what occurred on that occasion, stating what was said by all three persons who were present. Now, if some of those statements, as we contend they are, are definitely inconsistent with his testimony here, obviously under your ruling they are admissible. If any of them are not inconsistent how can anybody be harmed by it? And to require us to differentiate in advance before the questioning would simply mean a matter of delay, because I would have to pick up Mr. Cannalonga's testimony and skip from one part to another, pick out those portions which in his testimony are not consistent with the [4548] statements he made to us. But the Government could not be hurt. If, for example, it is brought out here from

(Testimony of Rosco George Craycraft.)

Mr. Craycraft that Mr. Cannalunga told us that day that he was contacted by Mr. Boyd, how could they be hurt by that?

Mr. Del Guercio: If your Honor please, that has been repeated several times. It isn't the question of how the Government could be hurt or what harm it is. There is nothing that Mr. Gladstein can say or do that would hurt or harm the Government.

Presiding Inspector: That isn't what is meant by "hurt."

Mr. Del Guercio: That is what is meant. That is why we are objecting to it.

Presiding Inspector: He means in a legal aspect.

Mr. Del Guercio: Legally or otherwise.

Presiding Inspector: Then if you don't object to it we will take it.

Mr. Del Guercio: We do object, however, to those questions, but not on that ground.

Presiding Inspector: You are not entitled to object to things that don't hurt.

Mr. Del Guercio: I am objecting to counsel's statements.

Presiding Inspector: Oh, well; those are not evidence.

By Mr. Gladstein:

Q. Mr. Craycraft, on that Saturday afternoon, did Mr. [4549] Cannalunga say that he was first contacted by a Mr. Boyd of the Immigration Department while he, Mr. Cannalunga, was in the Marine Firemen's Hall?

(Testimony of Rosco George Craycraft.)

A. That is right.

Mr. Del Guercio: Your Honor,—

Presiding Inspector: (Interposing) I shall take that. I should think you would like to have that. I think it is of advantage to the Government to have that. I will take it. I don't see why Mr. Gladstein asked it. Go ahead.

By Mr. Gladstein:

Q. Did he state in answer to my questions that Mr. Boyd had taken him to two FBI agents?

Mr. Del Guercio: I will object to that.

A. That is right.

Presiding Inspector: I will take it.

By Mr. Gladstein:

Q. Did he name those two FBI agents as Mr. Medala and Mr. Dickstein?

A. That is right.

Q. Did he say that on the day when he was first introduced to the two FBI agents he, Cannalunga, had an appointment for either 1:00 or 3:00 o'clock in the afternoon with a doctor?

A. That is correct. [4550]

Mr. Del Guercio: I will object to that also.

Presiding Inspector: I think he also said that on his examination.

Mr. Gladstein: He said something along that line.

Presiding Inspector: Something along that line. It can't be harmful, though.

(Testimony of Rosco George Craycraft.)

By Mr. Gladstein:

Q. Did he on that occasion say that he was questioned by the FBI for approximately two hours?

Mr. Del Guercio: We will object to it.

A. Correct.

By Mr. Gladstein:

Q. Did he on that occasion—

Presiding Inspector: (Interposing) I will take it. I will let it stand.

By Mr. Gladstein:

Q. Did he on that occasion say that the FBI had asked him what he knew about Harry Bridges?

A. Correct.

Mr. Del Guercio: I will object to that.

Will you please let me get my objection in before you answer?

Presiding Inspector: Yes. Go a little slower. I will take that.

By Mr. Gladstein: [4551]

Q. Did he on that occasion say that he had told the FBI that he knew nothing as to whether Mr. Bridges was or ever had been a Communist?

A. That is correct.

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: I will take it.

By Mr. Gladstein:

Q. Did he on that occasion say that before he left he was told that the FBI is a big organization?

(Testimony of Rosco George Craycraft.)

Mr. Del Guercio: I will object to it.

Presiding Inspector: I don't see how that is material.

Mr. Gladstein: Well, I will finish the question, then. I will put it this way:

By Mr. Gladstein:

Q. Did he on that occasion say that the FBI had told him on the occasion of his first meeting with Mr. Madala and Mr. Dickstein that they wanted him back in their offices the following morning and that he was not to try to run away, because the FBI was a big organization?

Mr. Del Guercio: Your Honor, I will object to that, and not only on the ground that it is immaterial but indicating what was in the mind of the person that was asking that question; that the person who was asking the question, that it was conceived in his mind and not in the mind of Cannalunga.

Mr. Gladstein: Did you hear the question?

[4552]

Presiding Inspector: I should think that it was a very natural and proper thing for them to say. I don't see any harm in it. I will take it. [4552a]

By Mr. Gladstein:

Q. Did he say those things?

A. That is correct.

Q. Did he say that the following day—

Presiding Inspector: (Interposing) As the sequel shows, perhaps it was a very wise thing to say. He seems to have run away now.

(Testimony of Rosco George Craycraft.)

By Mr. Gladstein:

Q. Did he say on this Saturday afternoon that on this same first occasion he denied knowing anything or having any information as to whether Harry Bridges had ever been a member of the Communist Party?

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: I will take it.

Mr. Del Guercio: As I understand it, counsel here says that he was asking these questions, elicited that evidence from Cannalonga.

Presiding Inspector: Yes, that is so.

Mr. Del Guercio: He isn't stating in the course of his question, "Did I ask the witness this question?"

Mr. Gladstein: I did, if your Honor will look back at the record.

Presiding Inspector: I will let it stand as it is.

Mr. Del Guercio: And that doesn't contradict any previous testimony. [4553]

Presiding Inspector: Oh, yes. I think in a way.

By Mr. Gladstein:

Q. Did he say on that occasion, Mr. Craycraft, that with reference to the first time that he had met with Mr. Madala and Mr. Dickstein they sent him to his doctor in a taxi cab?

A. That is correct.

Mr. Del Guercio: I will object to it, your Honor, as not contradicting anything.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: Oh, I don't see that that has any materiality, but I don't see any harm in it. I think I will let it stand. It is the whole story.

By Mr. Gladstein:

Q. Did I then I ask Mr. Cannalonga as to what took place on the second occasion when he met with the FBI agents?

Mr. Del Guercio: I will object to it unless counsel puts in the whole question that he asked him.

Mr. Gladstein: That is just the question.

Presiding Inspector: I will allow it.

A. Yes.

By Mr. Gladstein:

Q. Did Mr. Cannalonga say that he met the FBI agents for the second time on the day following the first occasion?

Mr. Del Guercio: I will object to that, not showing anything contradictory of the previous testimony.

Presiding Inspector: I will allow it. [4554]

A. Yes.

Presiding Inspector: No, it doesn't show anything contradictory. It is just explanatory of the history.

Mr. Del Guercio: May we have a general objection to all this line of inquiry instead of objecting every time?

Presiding Inspector: Yes, surely.

By Mr. Gladstein:

Q. Did Mr. Cannalonga say that on this second

(Testimony of Rosco George Craycraft.)

occasion the FBI agents wanted him to sign a statement to the effect that he, Cannalonga, had seen Harry Bridges pay dues in the Communist Party? A. Yes.

Presiding Inspector: Oh, no, just a moment! There is no such testimony in the case, is there?

Mr. Gladstein: As to what? Communist Party dues?.

Presiding Inspector: Yes.

Mr. Gladstein: There is reference——

Presiding Inspector: (Interposing) Is there any such statement in the record? .

Mr. Gladstein: No, he actually didn't make a statement to that effect, but he made the statement to us.

Presiding Inspector: We are not as yet trying these FBI agents, you know.

Mr. Gladstein: Not as yet.

Presiding Inspector: I will exclude that. Strike out the answer. [455p]

Mr. Del Guercio: Well now, your Honor——

Mr. Gladstein: (Interposing) May I make a note on that particular question?

Presiding Inspector: Yes.

Mr. Del Guercio: If your Honor please, this is a public hearing. I think we are entitled to an explanation here from Mr. Gladstein when he made that remark in answer to your question as to whether we are trying the FBI agents. (He stated "Not as yet.")

Presiding Inspector: Well, he expects to intro-

(Testimony of Rosco George Craycraft.)

duce some testimony which may reflect upon them, I suppose.

Mr. Del Guercio: Well, inasmuch as this is—

Presiding Inspector: (Interposing) And he has already stated it two or three times in the Court. I don't think there is any very great mystery about it.

Mr. Del Guercio: So that the public may know, we want to know what Mr. Gladstein is going to do.

Mr. Gladstein: I will be very happy to tell counsel if your Honor invites me to do so.

Presiding Inspector: No. I think you had better go ahead.

By Mr. Gladstein:

Q. Did Mr. Cannalonga say that he was asked by the FBI agents whether he had ever been in meetings with William Schneidermann?

A. Yes. [4556]

Q. Did he say that he had told them that he had been in meetings with William Schneidermann?

A. Correct.

Mr. Del Guercio: I object to that question, both questions, none of them being contradictory.

Presiding Inspector: Those are not contradictory, but then that is all right. It doesn't do any harm.

By Mr. Gladstein:

Q. Did Mr. Cannalonga say that he was asked by the FBI agents whether he had been in meetings with Harry Bridges? A. Correct.

Q. Did Mr. Cannalonga say that he had told the

(Testimony of Rosco George Craycraft.)

FBI agents that he had been in meetings with Harry Bridges? A. Yes.

Mr. Del Guercio: Is the Court's ruling that it is going to admit other testimony than contradictory testimony?

Presiding Inspector: Well, if they are confirmatory I should think that you would like them.

By Mr. Gladstein:

Q. Did Mr. Cannalonga say that the FBI agents had then asked him whether he, Cannalonga had been in meetings where Schneidermann and Bridges were present at the same time? A. Yes.

Q. Did Mr. Cannalonga say that he told the FBI agents that he had never been in any meeting with William Schneider- [4557] mann and Harry Bridges at the same time?

A. That is correct.

Q. Did Mr. Cannalonga say—

Presiding Inspector: (Interposing) This is under the objection.

Mr. Goodwin: Your Honor, may I suggest that the witness be cautioned not to answer a question until counsel has objected?

Presiding Inspector: Counsel has entered a general objection to all this line.

Mr. Goodwin: All right.

By Mr. Gladstein:

Q. Did Mr. Cannalonga say that the FBI agents told him that they wanted him to sign a statement to the effect that he had been in meetings with Schneidermann and Bridges at the same time?

(Testimony of Rosco George Craycraft.)

Mr. Del Guercio: We object to that as not being contradictory of any previous statement, and in connection with the question as to whether it is confirmatory of what Cannalonga may have said we wish to state that we don't desire any confirmation from this witness. We haven't called him.

Presiding Inspector: Oh, I know. But it doesn't do any harm. I am trying to do my best to conduct what I consider a fair hearing and I am going to allow some latitude here for the sake of expedition. We don't want to worry over every [4558] particular question that may not be material. Of course, that is, I suppose, contradictory because he did say he had signed such a statement, and examined it; corrected it and says that he didn't notice it and it is in the record.

Mr. Gladstein: That is right, your Honor.

Mr. Del Guercio: I understand what the Court has in mind, but I have in mind it will open the case wide because we will be compelled to come in here——

Presiding Inspector: (Interposing) I think it will. I think it will.

Mr. Del Guercio: It will carry it far afield and we are getting away from the main issues.

Presiding Inspector: That may be. We can't help it. It seems already to have gone pretty far afield.

Mr. Gladstein: Will you read the question, Mr. Conklin?

(Testimony of Rosco George Craycraft.)

(The question referred to was read by the reporter as above recorded.)

A. Yes.

Presiding Inspector: I think I should say, Mr. Del Guercio and Mr. Gladstein, that all this evidence has no sanction of cross examination and its only real bearing is now that this witness under this meeting, after he had given testimony and been excused, made contradictory statements. Now, that is all there is. It doesn't say that the trier of the facts in admitting a piece of evidence—that the trier of the facts [4559] doesn't say that he will believe it. I will take it. Of course, testimony given under the sanction of cross examination is very much stronger here ordinarily than something given out of Court. The statement may have been under compulsions. We have no test upon the question as to what compulsions were influencing this witness to give these contradictory statements. That is all. I don't know that there will be anything of that kind, but you can't tell.

Mr. Gladstein: Something like the same problem of the Richard Lovelace statement.

Mr. Del Guercio: Well now, I don't think that that statement is necessary.

Mr. Gladstein: All right. I will withdraw the statement.

Presiding Inspector: No. I don't think that there is the same problem. There we have one where the rule itself permits that statement.

(Testimony of Rosco George Craycraft.)

Mr. Del Guercio: I may have misunderstood that last, unless that they have evidence that Mr. Cannalonga is dead. If that's what they mean—

Presiding Inspector: (Interposing) Perhaps they may have. I don't know.

Mr. Gladstein: Of course not. We have no such evidence. If we had any such evidence we would certainly bring it to the Court. I don't know how such evidence could come to us [4560] before it could come to that great organization, FBI, whose record has been in all the newspapers! Why, they are microscopic in their attention to detail! And here is a poor seaman who can't be found by them and they are now searching for him and have been for two weeks!

Presiding Inspector: Now, Mr. Gladstein, that is a speech.

Mr. Gladstein: It is an answer.

Presiding Inspector: It didn't have the merit of the speech that you objected to of Mr. Del Guercio. It wasn't a short one. Now, we will just cast this all aside and go ahead with this trial. We are having too much persiflage.

By Mr. Gladstein:

Q. Mr. Craycraft, did Mr. Cannalonga say on that same afternoon in the Clyde Hotel in the presence of yourself and myself that he had told Mr. Madala and Mr. Dickstein that he would refuse to sign a statement to the effect that he had been in meetings where Schneidermann and Bridges were, because such a statement would be false?

(Testimony of Rosco George Craycraft.)

A. That is right.

Mr. Del Guercio: I object to that.

Presiding Inspector: I will take it. And now we will go to lunch.

(Whereupon at 12:35 o'clock P. M., a recess was taken until 2:00 o'clock P.M. of the same day.) [4561]

After Recess—2:10 O'Clock P. M.

Mr. Del Guercio: I apologize for being late.

Presiding Inspector: That is quite all right.

Now, Mr. Gladstein?

Mr. Grossman: Your Honor, because of the necessity of having enough witnesses in advance so there won't be any shortage of witnesses, and because of the distance from Portland, we had to inform Dean Morse in advance as to when we would be done with the witness before he was called, and since he has obviously important business back in Eugene at the Law School, and the students are going to be discomforted if he is delayed here, and also since we are in the middle of our direct examination and we can't harm the Government, we would like to withdraw Mr. Craycraft at this time and put on the Dean until he has finished his testimony.

Presiding Inspector: Is there any objection?

Mr. Del Guercio: We have an objection to putting on this witness out of order.

Presiding Inspector: You have an objection?

Mr. Del Guercio: Yes.

Presiding Inspector: Well, what is the objection?

Mr. Del Guercio: We should finish with the witness that is on the stand.

Presiding Inspector: I am sorry there is not an agreement [4562] on this, but I will allow you to withdraw Mr. Craycraft. I am doing this to convenience the Dean. I do not think his testimony will be long.

WAYNE LYMAN MORSE

called as a witness on behalf of the Alien, having been first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the reporter.

The Witness: Wayne Lyman Morse, Eugene, Oregon.

Direct Examination

By Mr. Grossman:

Q. Dean Morse, are you connected with the University of Oregon Law School?

A. I am Dean of the Law School at the University of Oregon.

Q. For how long have you been?

A. I have been Dean since 1931 and a member of the staff since 1929.

Q. Dean, are you at present connected with any committees of either the Oregon or the American Bar Association?

A. I am a member of the Legal Education Committee of the Oregon State Bar Association, and

(Testimony of Wayne Lyman Morse.)

for a good many years have been a member of the Law Enforcement Committee, Chairman on several occasions; I am Chairman of the Committee of the American Bar Association on Sentencing, Probation and Parole. [4563]

Q. Have you, in the past, done any work for the Attorney General of the United States, or the Department of Justice of the United States?

A. In 1936 to 1939 I was Special Assistant to Attorney General Cummings, and Director of the Attorney General's nationwide survey of release procedures.

Q. Have you at any other time represented the Attorney General, or the Department of Justice?

A. Well, during that period of time I was in consultation with the staff on various matters; and on one particular occasion I was appointed by the Attorney General to present the Government's case in a labor matter before a specially appointed tribunal in the District of Columbia, the case involving a controversy between the Government and certain allegations which had been filed attacking the policies of the Government in connection with the Workers Alliance of America.

Q. Have you in the past held any other Government position, United States Government position?

A. Well, I have been appointed by the Secretary of Labor as Arbitrator to handle a series of labor disputes. However, I don't feel that technically that is a Government position. It is simply a case of where an officer of the Government has

(Testimony of Wayne Lyman Morse.)

been selected by the party-litigants to name the Arbitrator.

Q. Have you in the past held any position in the State [4564] Government of Oregon?

A. No position, except I was a Chairman of a Civil Service Commission for Police of the City of Eugene for a time.

Presiding Inspector: Is it a State Law School?

The Witness: Yes.

Presiding Inspector: And, of course, do you consider that as State employment or not?

The Witness: Well, it's State employment.

Presiding Inspector: Well, we understand that. I didn't want to have any omission.

By Mr. Grossman:

Q. Are you on any committee of the Association of American Law Schools?

A. I am on the Committee on Tenure.

Q. Have you published any books or treatises?

Presiding Inspector: Well now, are you qualifying him as an expert?

Mr. Grossman: No, I wouldn't say that this particular question is an important one. It is just general background.

Mr. Del Guercio: We don't question the identity of Mr. Morse.

Mr. Grossman: I won't pursue that question. I don't think it is important enough.

By Mr. Grossman:

Q. Have you had occasion to act as Arbitrator in labor [4565] matters?

(Testimony of Wayne Lyman Morse.)

A. Well, since 1935 I have arbitrated as far as final decisions are concerned, 86 cases, and I have two decisions pending.

Q. Have you been rather continuously an arbitrator since that time?

A. Well, I think the number of cases indicates that I have been rather busy.

Q. Do you have any regular appointment now or regular employment as an Arbitrator between any group of unions and any group of employers?

A. Well, at the present time I am called the Coast Arbitrator for disputes arising between the Waterfront Employers Association of the Pacific Coast and the ILWU, District No. 1, the International Longshoremen's and Warehousemen's Union.

Q. For how long have you held your present position as Arbitrator between the groups?

A. Well, my present appointment dates from December 20, 1940. In December of 1938 I was first appointed by Secretary Perkins to arbitrate a case then pending in San Francisco. And during that period of time the appointments were more or less case by case.

Q. Your latest appointment to this job was by whom?

A. By the Secretary of Labor. [4566]

Q. Could you estimate approximately how many arbitrations you have presided over as such Arbitrator?

Mr. Del Guercio: Well, if your Honor please,

(Testimony of Wayne Lyman Morse.)

I will object to that question as not involving any issue in this case.

Presiding Inspector: I think this is preliminary.

Mr. Grossman: It is preliminary showing the basis for knowledge. That is all, your Honor.

Presiding Inspector: Yes. I will allow it.

A. You mean—

By Mr. Grossman:

Q. Between the Waterfront Employers and the International Longshoremen's and Warehousemen's Union, approximately how many arbitrations have you presided over?

A. Oh, I think approximately between 65 and 70.

Q. Can you state whether Harry Bridges was an official of the International Longshoremen's and Warehousemen's Union throughout the entire period that these arbitrations covered?

A. He was President.

A. Of the International Longshoremen's and Warehousemen's Union?

A. Of the International Longshoremen's and Warehousemen's Union, District No. 1.

Q. Can you state whether Harry Bridges on several occasions appeared before you as such Arbitrator, either as a witness or as an advocate?

[4567]

Mr. Del Guercio: If your Honor please, I object to the question.

Presiding Inspector: I will allow it. "Yes" or "No". A. Yes.

(Testimony of Wayne Lyman Morse.)

By Mr. Grossman:

Q. Could you estimate how many times he appeared before you in such capacity as a witness?

A. I would judge at least 40 and not more than 50.

Q. Can you estimate about how many times he appeared before you as an advocate acting as an attorney would if there were one present?

A. Well, the same number of cases because when he appears he always appears both as a witness and as an advocate.

Presiding Inspector: You mean he does not differentiate between the two positions?

The Witness: No. I mean that during the hearing he will take the witness stand and testify and he will also function as an advocate, frequently examining witnesses.

By Mr. Grossman:

Q. Will you state whether you had anything to do with the 1940 negotiations between the International Longshoremen's and Warehousemen's Union and the employers that they were dealing with?

A. I was called in by the parties to attend the negotiations on the last day preceding the signing of the Agreement [4568] in order to discuss with the parties certain mooted questions in regard to which there did not seem to be complete agreement.

Q. Was Harry Bridges present at those negotiations also? A. He was.

Q. And is that the only time you participated

(Testimony of Wayne Lyman Morse.)

in any way in the 1940 negotiations between the ILWU and the employers? A. That's all.

Q. Have you on any other occasion participated in any way in the negotiations between the ILWU or any section of that organization and the employers?

Mr. Myron: This is immaterial, your Honor.

Presiding Inspector: I think this is to lay a foundation for evidence as to his character as a labor union man, along the line of Mr. Kugel's testimony.

Mr. Grossman: That is correct.

Presiding Inspector: I will allow it on that basis. Counsel want to show what his experience is with Mr. Bridges, not any definite case but what in a general way is his experience.

Mr. Del Guercio: Of course, your Honor, we repeat our objection to this line of testimony.

Presiding Inspector: You remember, I confined this quite closely, but I will allow testimony as to his character in that respect.

Mr. Del Guercio: We want to get our objection rendered again on this same line of questioning on the ground that it [4569] would open up a new issue, that there is no issue in this case as to whether Harry Bridges is a good or bad labor man; and that to admit testimony of this kind would open the case up to us and we would have the right and be entitled to produce witnesses here to testify that Harry Bridges was not a good labor man.

Presiding Inspector: I think they will have to

(Testimony of Wayne Lyman Morse.)

take that risk. I have been in doubt as to whether the testimony is competent or relevant; competent, yes. But I am going to allow it.

A. Well, I haven't been in any direct negotiations as far as negotiating a contract, you understand, is concerned. Of course, there do follow my arbitration decisions from time to time what might be called "Negotiations" at the next hearing.

By Mr. Grossman:

Q. Has your trade union contact with Mr. Bridges been primarily then to arbitrations?

A. That's true. In fact, with the exception, if I may add, of the meeting on December 20, 1940 I can assure you that my contacts with Mr. Bridges have been limited to my work as Arbitrator, save and except similar occasions to this one at Angel Island when I was subpoenaed there, as here, to testify at that case.

Q. What was the procedure in the arbitrations involving the International Longshoremen's and Warehousemen's Union with [4570] respect to whether or not an oath was given to witnesses before they testified?

Mr. Del Guercio: I will object to that, your Honor, as being immaterial and irrelevant.

Presiding Inspector: I think I will take it. As to his opportunity to observe how Mr. Bridges conducted himself as a labor union man, I will take it.

A. In our early hearings oaths were given and then I took the position that a further oath would be unnecessary because I was going to take it for

(Testimony of Wayne Lyman Morse.)

granted that the parties would tell me the truth, and I thought I was in a position to detect whether or not they told me the truth, and if they didn't it didn't make any difference whether it was under oath or not, because I would take such action as I thought it warranted. I had no contempt power. Therefore, I thought the oath was unnecessary as a rule of procedure.

Mr. Myron: I think that answer should be stricken out. It is immaterial to any issue in this case, or any issue that might be manufactured in this case.

Presiding Inspector: The upshot is that an oath was administered at first. I will take it that far. That is all it establishes. That was in the discretion of the officer.

By Mr. Grossman:

Q. Will you state from your experience, as you stated, with Mr. Bridges, whether, during the course of that experience Mr. [4571] Bridges ever took the position that workers and employers cannot sit down at a table and bargain collectively in an amicable fashion and have it result in benefits for the workers?

Mr. Del Guercio: I will object to the question, your Honor—

Presiding Inspector: I will take it.

Mr. Del Guercio: (Continuing) —it being broad and not going to any of the issues in this case.

(Testimony of Wayne Lyman Morse.)

Presiding Inspector: Don't you think you ought to ask him a preliminary question? Well, I will allow it. You may answer.

The Witness: May I have the question again, please?

Mr. Grossman: Read the question.

(The question referred to was read by the reporter as above recorded.)

A.: He has not taken such a position within my experience.

By Mr. Grossman:

Q. Will you state whether, in the course of such experience, Mr. Bridges took the position that workers and employers can sit down at a table and bargain collectively in an amicable fashion and have it result in benefits for the workers?

Mr. Del Guercio: I object to the question.

Presiding Inspector: You are asking him affirmatively?

Mr. Grossman: Yes.

Presiding Inspector: You may answer. I will take it over [4572] your objection.

A. It has been my experience with Mr. Bridges that he has taken the position that employers and employees can and should sit down and negotiate their differences.

By Mr. Grossman:

Q. Will you state whether Mr. Bridges, during this contact of yours with him, took the position in good faith, I mean that appeared to you to be

(Testimony of Wayne Lyman Morse.)

in good faith, that arbitration on some occasions could be beneficial to the workers involved?

Mr. Del Guercio: I object to that, if your Honor please, as improper.

Presiding Inspector: I will take it over your objection.

A. He has shown by his record, and has urged arbitration.

Mr. Del Guercio: I ask that the answer be stricken—"by his record."

Presiding Inspector: You mean by the record before you?

The Witness: Yes.

Presiding Inspector: With that understanding I will take it. I thought that was it.

By Mr. Grossman:

Q. Has Mr. Bridges ever taken the position in your experience that arbitration, as a principle or as a general rule, is bad for the workers involved?

Mr. Del Guercio: Now, if your Honor please, I will object to that on the same grounds, and also on the further grounds that [4573] I don't understand this witness to be testifying other than his experience as an arbitration man for the Department of Labor, as I understand it. I believe it should be limited to that.

Presiding Inspector: These questions are all confined to your personal experience?

The Witness: That is the only answer I can give, as based on my experience in these cases.

Presiding Inspector: I will take the answer.

(Testimony of Wayne Lyman Morse.)

The Witness: May I have the question again?

(The question referred to was read by the reporter as above recorded.)

A. He has not.

By Mr. Grossman:

Q. Has Mr. Bridges taken the position that an arbitration set-up should be provided so that disputes between the workers and their employers could be settled without strikes?

Mr. Del Guercio: I object to that question as not in issue in this case.

Presiding Inspector: I will take it. This is all preliminary to asking a question as to whether, in the judgment of Dean Morse, Mr. Bridges is, as we have used the phrase, a good trade union man. I am allowing this as preliminary to that general question.

Mr. Del Guercio: Why can't we go direct to the question without these preliminaries? [4574]

Presiding Inspector: I cannot confine him to any particular manner of approaching his case. I will take these questions.

A. The answer is "Yes."

By Mr. Grossman:

Q. Has Mr. Bridges ever conducted himself in such a way as to indicate to you that he believed in the theory of strikes for strikes' sake?

Mr. Del Guercio: I object to that on the same ground.

Presiding Inspector: I will take it.

A. Well—

(Testimony of Wayne Lyman Morse.)

By Mr. Grossman:

Q. Would you like that explained?

Mr. Myron: Allow him to answer the question.

A. I will answer as I understand it and the Court may strike it if my answer is improper.

I think my answer would have to be that when his union has been involved in a given strike he certainly has intended to see to it that that particular strike was carried out to its proper end.

Presiding Inspector: Even to the bitter end?

The Witness: Sometimes to the bitter end.

By Mr. Grossman:

Q. Has Mr. Bridges conducted himself in such a way as to indicate to you that he believed in strikes, even though a [4575] particular—withdraw that—that he believed in a particular strike, or particular strikes, even though that strike or those strikes could not benefit the economic conditions of the workers involved?

Mr. Del Guercio: If your Honor please, that question obviously calls for an answer that I don't think Mr. Morse, or any other witness, could properly give. It would involve so many things. It would involve the determination of the things that led up to the strike, and other factors involved as to whether it benefits the public or is in the public interest.

Presiding Inspector: That is all true, but I don't want to go into those matters. This is laying a foundation for an ultimate question and I will take it. He may not ask the question—

(Testimony of Wayne Lyman Morse.)

Mr. Grossman: (Interposing) I will ask it.

Presiding Inspector: That is an ultimate conclusion to be finally drawn by the trier of the fact, although the opinion may be of assistance or may not be of assistance.

The Witness: May I have the question, please?

(The question referred to was read by the reporter as above recorded.)

A. The answer is "No."

By Mr. Grossman:

Q. During the course of your contact with Harry Bridges did he act in such a way as to indicate to you that he [4576] believed in cooperation with Governmental agencies that were involved in labor relations?

Mr. Del Guercio: I will object to that as being broad—what governmental agencies and on what subject?

Presiding Inspector: It is broad, but I will take it.

A. Yes.

By Mr. Grossman:

Q. From what contact you have had with Harry Bridges would you say that he is a good trade unionist?

Mr. Del Guercio: If your Honor please, I will object to that as not being material, and affects no issue in this case—the question of whether Harry Bridges is a good or bad labor man.

Presiding Inspector: The Government has asked

(Testimony of Wayne Lyman Morse.)

some questions along that line hypothetically. I will take it.

Mr. Myron: That is in his opinion?

Presiding Inspector: That is all he can say; from what he has seen and what he has testified to.

A. On the basis of my experience with him in the so-called longshore cases involving his union, and the Waterfront Employers Association, my answer is, yes, I consider him as a good trade union man in those cases.

By Mr. Grossman:

Q. Did you ever see any conduct of Harry Bridges indicating that he was attempting to involve workers in strikes solely for the purpose of achieving some revolutionary or ulterior purpose?

[4577]

Mr. Myron: I object to that.

(Whereupon Mr. Del Guercio passed a paper to the Presiding Inspector.)

Mr. Myron: There is an objection to the pending question.

Presiding Inspector: I didn't hear the question.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: I will take it.

Mr. Myron: It is calling for a state of mind of Mr. Bridges.

Presiding Inspector: It is, I realize that, but the whole matter really is of his state of mind.

(Testimony of Wayne Lyman Morse.)

Mr. Myron: It is asking the witness to determine what was in Mr. Bridges' mind at the time.

Presiding Inspector: So far as he observed, he is giving his impression of what Mr. Bridges' conduct indicated to him. That is all.

A. Based upon Mr. Bridges' conduct before me the answer is "No." [4578]

Presiding Inspector: It is really calling for your opinion of your own state of mind.

By Mr. Grossman:

Q. From your contact with Mr. Bridges are you able to state what is his theory of the role and the function of trade unions?

Mr. Del Guercio: I will object to that, if your Honor please; not involving any particular issue in this case.

Presiding Inspector: It is rather broad.

Mr. Grossman: It is just a generalization of these elements put together, perhaps adding another element.

Presiding Inspector: Very well. I will take it for what it is worth.

A. Well, it has been my conclusion as we have gone through these many cases that he has looked upon his job as a job which requires him to use his best efforts to promote the welfare of his men in their relations with their employers.

By Mr. Grossman:

Q. Dean, has the conduct of Harry Bridges with which you have come in contact in every case been consistent with proper collective bargaining?

(Testimony of Wayne Lyman Morse.)

Mr. Del Guercio: If your Honor please, I will object to that. Now, these questions, the Court has ruled, are preliminary.

Presiding Inspector: He has asked the final question.

Mr. Grossman: Not quite. [4579]

Presiding Inspector: He has asked the final question. This is supplementary.

Mr. Del Guercio: I say he has asked already the final question.

Presiding Inspector: He has asked the final question and this is an explanation of the final answer. I don't know that it is very helpful, but I will take it.

A. The answer is Yes.

Presiding Inspector: I think it is implicit in the main answer that he gave.

By Mr. Grossman:

Q. Dean, could you state briefly what generally were the issues that were involved in these arbitrations involving the IL and WU, the International Longshoremen and Warehousemen's Union?

Mr. Myron: It is highly immaterial.

Mr. Grossman: It is preliminary to show their general importance between the Union and the employer, that is all.

Presiding Inspector: Let me ask a question preliminarily.

Was there any general type?

The Witness: Well, I think they break themselves up into two types.

Presiding Inspector: I will hear those types.

(Testimony of Wayne Lyman Morse.)

Mr. Grossman: All right.

By Mr. Grossman:

Q. What were those two types? [4580]

Mr. Del Guercio: Our objection—

Presiding Inspector: Yes. Very briefly.

A. The cases have broken themselves up into two types: Those involving an interpretation of an agreement already signed by the parties, the application of the law of contracts to the agreement; and the second type of case has been a case involving a determination by the arbitrator on a record made by the parties before him on questions of wages, hours and conditions of employment.

By Mr. Grossman:

Q. And these would be where the latter was involved coastwise wages, hours and working conditions?

A. Most of them coastwise, unless you are dealing with a port practice problem. Then it would be of local significance to that port.

Q. In any of those cases in which you came in contact with Harry Bridges, did they involve questions which were occasioned by strikes or lockouts?

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: Yes. I will take it, but I won't go into the particular cases.

Mr. Grossman: No. I am not going into any particular cases.

Presiding Inspector: If there were such I will allow him to state. [4581]

(Testimony of Wayne Lyman Morse.)

Mr. Del Guercio: Is this also preliminary?

Mr. Grossman: This is to show the general importance—

Presiding Inspector: (Interposing) It is in form supplemental, but in purpose preliminary.

A. A considerable number of them involved port strikes, so-called "quickie" strikes, stoppages of work.

By Mr. Grossman:

Q. Many of them involve questions that were coastwise in the sense they affected working conditions up and down the entire Pacific Coast?

A. A considerable number of them.

Mr. Del Guercio: I object to that.

The Witness: I am sorry.

Presiding Inspector: I will take it.

The Witness: A large number of them.

Presiding Inspector: Over your objection. Now, Mr. Grossman, suppose you make the same offers that you did—

Mr. Grossman: I am not quite ready, if the Court please. I have some more general questions.

Presiding Inspector: I think you have about exhausted the subject.

Mr. Grossman: I have a couple more that I think are relevant even under your ruling, your Honor.

Presiding Inspector: All right.

By Mr. Grossman: [4582]

Q. Could you state whether from your experi-

(Testimony of Wayne Lyman Morse.)

ence with Harry Bridges in these arbitration proceedings you believe he has when testifying before you told the truth?

Mr. Del Guercio: If the Court please, I object to that.

Presiding Inspector: I can't take that.

Mr. Grossman: May I explain very briefly.

Presiding Inspector: That is on his general character, and I won't take that.

Mr. Grossman: May I explain something, your Honor?

Presiding Inspector: Surely?

Mr. Grossman: You will recall at the beginning of this general argument with reference to Mr. Kegel's testimony I declared that the various witnesses for the prosecution had given certain—well, I won't call them "Touchstone", but certain characteristics that they stated Communists always have. And I gave you some examples of characteristics which are involved in trade union action.

Now, with respect to this question that I am now asking I say that these Government witnesses were almost unanimous to the effect that Communists, if they think the end justifies the means, are willing to lie even to the extent of lying under oath. It would follow from that logically that if they are willing to lie even under oath they would lie certainly when there is not an oath and, therefore, no legal compulsion if important issues are involved.

I have showed so far the importance of these issues. I [4583] could enlarge on that, but I don't

(Testimony of Wayne Lyman Morse.)

think it is necessary. But these issues were very, very large with respect to Harry Bridges and the Union he has represented. I have also showed that on many occasions Harry Bridges testified. It is my theory that, if on those many occasions with so much at stake Harry Bridges always told the truth, that would characterize him as being different from these people who are described by the prosecution witnesses as "Communists" and described in various ways. So, for the same reason that we are permitted to go into Mr. Bridges' lacking these certain theories or activities in his union activities, such as being a bad trade unionist and not believing in collective bargaining; for the same reason and even a greater reason because so many of the Government witnesses have used this theory, I think we are entitled to go into whether or not Mr. Harry Bridges on important issues lies under oath or not under oath where that lie would have affected the results.

Presiding Inspector: I don't think that this kind of evidence would help to resolve that question. Further than that, I think it is far too remote and I will exclude it. Let me give you perhaps an example.

Mr. Grossman: I beg your pardon?

Presiding Inspector: If a man were charged with murder you wouldn't think the fact that he was a member of a church or other religious organization would be competent to show that he hadn't committed the murder on the principle that good [4584] church members don't commit murders?

(Testimony of Wayne Lyman Morse.)

Mr. Grossman: I will say this, your Honor, I think a perfect analogy can be made that I agree with. I would say, if evidence were introduced that he belonged to a church which did not believe in the sanctity of the oath and believed that one should lie under oath if the ends justified the means, I believe one would have the absolute right to prove that this particular man under great stress and strain had not done that sort thing to prove that he didn't belong to that church and, therefore, the doctrines of that church wouldn't affect his credibility.

Presiding Inspector: I don't think so. I will exclude the question as one that bears upon his general character and his character is not attacked.

Mr. Grossman: Your Honor, I would like to make a very brief offer of proof, which is that, if Dean Morse were permitted to answer this question, I believe—I don't know definitely, but I believe—his answer would be that Harry Bridges told the truth under oath on all these various occasions, under oath and not under oath on all these various occasions, when he appeared before Dean Wayne Morse as Arbitrator.

Presiding Inspector: Of course, Dean Morse couldn't tell whether he told the truth or not.

Mr. Grossman: That is his job.

Presiding Inspector: He could only give his opinion.

Mr. Grossman: Just as you will give your opinion, [4585] your Honor, as to whether you will believe these witnesses are telling the truth.

(Testimony of Wayne Lyman Morse.)

Presiding Inspector: I will exclude it as evidence of general character, and his character has not been attacked generally.

By Mr. Grossman:

Q. Dean, has Harry Bridges in these various contacts that you have had with him ever engaged in such conduct or expressed such opinion or done anything that would indicate to you that he was or is a Communist?

Mr. Del Guercio: If your Honor please, I object to the question unless this witness is qualified here that he is an expert on Communistic matters and Communistic doctrines and principles, unless he is acquainted with the practices of the members of the Communist Party, acquainted with their beliefs.

Presiding Inspector: Oh, I think that is purely negative, Mr. Grossman.

Mr. Grossman: I recognize it is negative. I think it is as good—

Presiding Inspector: (Interposing) I doubt that being competent.

Mr. Grossman: Well, your Honor, it seems to me that this rule of allowing certain kinds of statements has got to work both ways: Now, the Government witnesses have stated that they "believe" that Harry Bridges is a Communist or, even, farther, that others "believe" that and they stated further that they [4586] believe it from the general activities.

(Testimony of Wayne Lyman Morse.)

Now, I believe if such evidence could be used to establish an affirmative it must be allowed to establish a negative. Now, the weight of it is for you, of course, to determine.

Presiding Inspector: I will allow you to show that he knows of no activity of his personal knowledge which indicates to him that he is a Communist.

Mr. Gladstein: That is what the question calls for.

Presiding Inspector: I will take that.

Mr. Del Guercio: May I just be heard?

Presiding Inspector: Yes.

Mr. Del Guercio: If testimony of that kind is permitted, of course, it would open the door very wide. They could call in many persons to testify similarly and we could call just as many that would testify to the contrary.

Presiding Inspector: That is true.

Mr. Del Guercio: Now, to do that we must, of course,—there must be an end somewhere.

Presiding Inspector: Yes.

Mr. Del Guercio: And I think it is right here.

Presiding Inspector: Well, this man has had a great deal of contact with him and I think it will be of little probative value, very little probative value. I think it just gets under the wire. I think I will take it. It is only a very slight matter. [4587]

By Mr. Grossman:

Q. Dear Morse, have you seen any activity of Harry Bridges—

(Testimony of Wayne Lyman Morse.)

Presiding Inspector: (Interposing) This is all objected to.

Mr. Del Guercio: Yes.

By Mr. Grossman:

Q. (Continuing) —which indicated or indicates to you that he was or is a Communist?

Mr. Del Guercio: I will renew my objection unless the witness can testify that he knows what Communism is, how it operates, how it functions.

Presiding Inspector: That will take a long time to go into that.

Mr. Grossman: The opening statement of the prosecution says we can take judicial knowledge of the Communist Party.

Presiding Inspector: The only doctrine of the Communist Party which we are particularly interested in here is the theory of the establishment by revolution of the dictatorship of the proletariat with the overthrow of Government by force and violence. Of course, secondarily to that there is the policy of the Party in distributing literature, advocating such principles. Now, without going further into that I think I will allow the question.

A. Based upon the Court's explanation of Communism [4588] as it is involved in this case, which is also my understanding of it, the answer is that I do not know of any conduct of Mr. Bridges in any of my relationships with him that would indicate to me that he is a Communist.

Mr. Grossman: No more questions.

(Testimony of Wayne Lyman Morse.)

Cross Examination

By Mr. Del Guercio:

Q. Mr. Morse, in any of these proceedings—"arbitration proceedings", I believe you called them?

A. Yes, sir.

Q. Did you ever have occasion to investigate or cause an investigation to be made of the questions as to whether or not Harry Bridges was a member of the Communist Party?

A. No.

Q. Was that question ever before you as an Arbitrator?

A. Well, the charge that he was was before me.

Q. Who charged?

A. But it was immaterial.

Q. Who charged that Harry Bridges was a Communist?

A. Oh, it constantly weaves its way into the cases by statements of counsel or by statement of a witness, but I have always taken the position that it is no concern of mine.

Q. Was a formal charge made that he was a member of the Communist Party?

A. Oh, no.

Q. Huh? A. No. [4589]

Q. Did you investigate to determine whether or not he was a member of the Communist Party?

A. The answer is No. I would certainly disqualify myself as a judicial officer if I did such a thing, wouldn't I?

Q. Well, I don't know. You were inquiring into the—it was one of your functions, was it not, to

(Testimony of Wayne Lyman Morse.)

determine the truth and veracity of witnesses appearing before you?

A. On the basis of the record made.

Q. Have you ever read any Communistic literature?

A. I believe I have. If what I think you have in mind is Communistic literature, I believe I have.

Q. I believe you said that charges had been informally made before you that Harry Bridges was a member of the Communist Party, is that correct?

A. Oh, comments have been made in testimony that "Here's a Communistic leader" or "We are not interested" says somebody, "in your Communistic approach", or something of that type.

Q. Having that in mind and those charges having been made, and having in mind also your testimony and your opinion that Harry Bridges was not a member of the Communist Party, did you consider this passage from Government's Exhibit No. 105—

Presiding Inspector: (Interposing) I don't think he quite said that, did he?

By Mr. Del Guercio:

Q. Is that what you said substantially? [4590]

Presiding Inspector: He said to his mind.

Mr. Del Guercio: Well, to his mind, of course.

By Mr. Del Guercio:

Q. Did you consider this passage from Government's Exhibit No. 105? I am reading from the "Left Wing Communism, An Infantile Disorder",

(Testimony of Wayne Lyman Morse.)

by N. Lenin, published by the Marxian Educational Society, 5941 Jos. Campau Avenue, Detroit, Michigan:

"It is necessary . . . to go the whole length of any sacrifice, if need be, to resort to strategy and adroitness, illegal proceedings, reticence and subterfuge, to anything in order to penetrate into the Trade Unions, remain in them, and carry on Communist work inside them, at any cost"?

A. Oh, I never——

Q. (Interposing) Did you consider that?

A. I have never read that passage. I simply watched the witness on the basis of the testimony that he made before me and checked to see that it squared with the complete record.

Q. Well, I say, and then your answer to my question is——

A. (Interposing) I have never read that.

Q. You have never read that?

A. That's right.

Q. And you never took that into consideration in evaluating the testimony of witnesses that appeared before you?

A. Not that passage.

Q. In giving your opinion, Mr. Morse, to the effect that [4591] Harry Bridges in your opinion was not a member of the Communist Party did you give weight and consider this passage from Government's Exhibit No. 225, taken from "The Communist" for May, 1934? There is in evidence in this case that that Communist magazine is the official

(Testimony of Wayne Lyman Morse.)

publication or is published monthly by the Communist Party of the United States:

"Tasks of the Party in the Trade-Union Work.

"1. (a) Mobilize the entire Party membership for revolutionary trade-union work; (b) for the carrying through of the program of concentration to root the Party in the most important factories, establish trade-union organization, for the building of the oppositions in the first place in the most important industries, stimulate, develop and lead the struggle of the workers. Enroll every Party member eligible into the trade unions on the basis of a thorough enlightenment of the membership as to reasons for our emphasis on work in the factories and trade unions. This was fully explained in the Open Letter, which stated that unless the Party establishes its roots among the decisive sections of the industrial proletariat it cannot become a mass Communist Party. The discussion must be brought into every Party nucleus, into every trade-union fraction. The Party leadership must not only convince the Party as to the correctness and urgency of carrying through the Open Letter, but also help the membership to carry through the tasks. Every district, section, nucleus, and especially shop nucleus, must work out its plan of work on the basis of the policy of concentration; assign the most experienced and developed comrades for leadership in the trade-union work. Steps are to be taken to build the trade-union fractions and assure their guidance through the Party Committees. The Cen-

(Testimony of Wayne Lyman Morse.)

tral Committee, the District Committee and all leading Party organizations must assume responsibility for the carrying through of these tasks and the work in the trade unions which is the task of the entire Party. In raising before the Party work in factories and trade-unions as the central task, care must be taken to overcome the opportunist conception of trade-union work. Our trade-union work is not an end in itself—the trade unions are for the Communists a bridge to the masses. As part of our Communist work in the factories, the Party nucleus in the factories must receive the greatest attention from the leading committees. They must receive the greatest guidance and support in building the union in the shop, the shopcommittee, the publication of a Party factory paper, building the circulation of the Daily Worker, recruiting into the Party.”?

Did you consider that passage?

A. I have never read the passage. This is the first time I have ever heard the passage.

Presiding Inspector: Is that a comment on the 21 or 23 points?

Mr. Del Guercio: No, if your Honor please. This is another portion of it. [4593]

By Mr. Del Guercio:

Q. And, Mr. Morse, did you, in arriving at your opinion as to whether or not Mr. Bridges was a member of the Communist Party, give consideration to an accepted precept of the Communist Party, and that is their policy of hypocrisy and deceit?

(Testimony of Wayne Lyman Morse.)

A. I understand it is one of their precepts and I certainly took that into account.

Q. You understood that that was one of their precepts? A. Yes.

Q. Where did you get that understanding from, Mr. Morse? A. Oh, reading.

Q. Reading what?

A. Literature heretofore testified to. I suppose there has gone across my desk——

Q. (Interposing). Can you give me the name of any literature that you read wherein that doctrine has been announced, the doctrine of hypocrisy and deceit?

A. I think it is announced pretty clearly in "Out of the Night."

Q. "Out of the Night?"

A. Yes; by Jan Valtin.

Q. By Jan Valtin? A. Yes.

Q. Is Jan Valtin a member of the Communist Party?

A. He states in his book that he was at one time. [4594]

Q. Was he speaking in his book as a member of the Communist Party?

A. He is speaking now, and writing now, as one who has discredited the Party and announced that he has repudiated it.

Q. You say Mr. Jan Valtin speaks of the doctrine of hypocrisy and deceit?

A. I think it appears in there over and over again.

(Testimony of Wayne Lyman Morse.)

Q. In what manner?

A. That the true Communist is a person who will use subversive tactics in order to undermine, and hypocrisy and deceit, as you use it, or untruthfulness, are tools that he will use to accomplish his vicious ends. I might add, it is my understanding, and I don't think a Communist, within the outline as placed before this Court today, would stop at anything to carry out his ends.

Q. Do you believe a member of the Communist Party would, even if appearing before you in an arbitration matter, testify falsely under oath if it was on a matter touching upon the interests of the Communist Party?

A. I am satisfied a Communist would. But if I caught him at it he wouldn't do it the second time—

Q. What would you do if you caught him at it?

A. He would not be allowed to testify before me again.

Q. What?

A. He would not be allowed to testify before me again. [4595]

Q. Is that all?

A. That is the only power I would have.

Q. Do you have the power, or did you have the power to administer oaths?

A. Yes; I can administer oaths.

Q. Under what authority?

A. Just by mutual agreement of the parties, as I explained in my direct testimony.

(Testimony of Wayne Lyman Morse.)

Q. Was there any authority under law for you to administer an oath? A. No.

Q. What? A. No.

Q. Then did you ever administer an oath, as required by law to Mr. Bridges or any others appearing before you?

A. Not required by law.

Q. Then no one that appeared before you in those proceedings testified under oath, did they?

A. Only the oath that I gave by mutual agreement as to procedure.

Q. Did that oath have any legal effect?

A. No; it wouldn't have any legal effect in the sense that you are using it.

Q. It would be just as binding as though he were not sworn, isn't that correct?

A. Yes. The only power I have, after all, in these [4596] cases is the good faith of the parties.

Q. I thought that your testimony was that at one time you administered oaths and finally you did not?

A. My testimony was, sir, that at the very beginning of these arbitrations, back in 1938, the common practice was, as is the common practice before most voluntary arbitration boards, to administer oaths but they are not legal oaths in the sense you are using it.

Q. I didn't know what you had in mind, but that was the inference I got and I suppose that was the inference the Court got.

A. I am glad to correct it.

(Testimony of Wayne Lyman Morse.)

Q. Have you ever had any contacts with Mr. Bridges other than those before your arbitration—is it an arbitration board, or what do you call it?

A. There is one Arbitrator. He is the Arbitrator under the Agreement. As that Arbitrator, I am careful, as I have testified, to see to it that I don't have contacts with the parties outside the record. If you will permit me to answer further—

Q. (Interposing) Surely.

A. (Continuing) There have been examples of this type: On one occasion, I think in April 1940, the Union had its convention in North Bend, Oregon, and asked me to come down and give a speech on arbitration procedure. I met Mr. Bridges on the platform at the convention and the last I saw of him was [4597] on the platform at the convention. When I finished the speech I returned to Eugene.

Likewise, the employers have invited me to, or through the good offices of the employers, I have been invited to speak to institutes of industrial leaders on arbitration procedure.

Those are the only so-called off-the-records contacts I have ever had with the parties, and I have insisted that they be kept on a highly professional plane.

Q. Then you have no personal knowledge of Harry Bridges' activities other than those which you learned through his appearance before you in the capacity of an Arbitrator?

(Testimony of Wayne Lyman Morse.)

A. That is my testimony.

Q. You gave substantially similar testimony on behalf of Mr. Bridges in the last deportation hearing, did you not?

A. No; they didn't let me go nearly that far in the last deportation hearing. I don't think more than two or three questions were put to me.

Q. I don't believe you have seen the transcript or you wouldn't have stated that.

Mr. Grossman: That is correct.

By Mr. Del Guercio:

Q. It is considerably more than that.

A. I mean outside of qualifications. They proceeded to qualify me, as here, but I mean as to the other matters there were only one, two or three questions put. I haven't [4598] read the transcript. I would be interested in seeing it some time.

Presiding Inspector: Is that all?

Mr. Del Guercio: No. I have one or two more questions.

Presiding Inspector: I beg your pardon.

By Mr. Del Guercio:

Q. Mr. Morse, did you at any time make this statement:

"My impression of him"—referring to Harry Bridges—"is that he is more sincere in his convictions concerning democratic processes than many of his critics who seek to deport him?"

A. Yes, I made that statement. I think that is in an article that I published some place on arbitra-

(Testimony of Wayne Lyman Morse.)

tion, and I think that is to be found in either the body of the article, or the report of the open forum discussion that followed the speech, which constitutes the body of the article.

Q. Was this during the time that you were sitting as an arbitrator?

A. I think that is the speech that I gave at North Bend.

Q. Mr. Bridges has continued to appear before you in the capacity of an advocate, I believe you said, and as a witness in cases before you?

A. Yes. If you may permit me to add, I have also said that in my opinion Mr. Gregory Harrison, of the Employers, was the most brilliant lawyer I have ever seen work.

Q. And you knew at the time that you made this statement [4599] that Mr. Bridges would appear again before you? A. Yes.

Q. And that you would have to sit and decide for or against Harry Bridges? A. Yes.

Q. In the matters before you? A. Yes.

Q. And you had no compunction of making a statement of that kind? A. Why no.

Q. Now, you used the word "critics." Who did you refer to as "critics?"

A. Well, there are certainly a great many of them. Any critic that would make—

Q. (Interposing) Did you have in mind the Attorney General of the United States? "

A. Well, I would have him in mind if he didn't share that view.

(Testimony of Wayne Lyman Morse.)

Q. If he didn't share what view?

A. If it was his view that he did not believe in the democratic process I would say, "Mr. Jackson, my opinion is, on the basis of my experience, that you are wrong."

Q. Did you have him in mind at the time?

A. I had in mind anyone that shared the view that he did not believe, on the basis of my experience, as I have stated. [4600]

Q. Will you answer the question?

A. Yes, I will answer the question if you will put it in a form so it can be answered "Yes" or "No".

Mr. Del Guercio: Read the question.

(The question referred to was read by the reporter as follows:

"Q. Did you have him in mind at the time?")

By Mr. Del Guercio: -

Q. Let me ask you this question, Mr. Morse. Who is trying to deport Harry Bridges?

A. Who is trying to deport him?

Q. Yes.

A. Why, I didn't know that anybody was trying to deport him. I thought they were trying to find out what the facts are to see whether or not there was a basis for deportation.

Q. Well, now, referring back to this statement, you said you used this language: " * * * than many of his critics who seek to deport him." Who did you have reference to?

(Testimony of Wayne Lyman Morse.)

A. Those groups that have passed resolutions urging his deportation.

Q. Did you mean any governmental agencies?

A. Well, my statement was a general statement, and still is, that I mean any group that definitely takes the position that he should be deported.

Q. Well, this is a Governmental agency that is taking the stand that he should be deported and it is seeking to [4601] deport him. Did you have that Government agency in mind?

A. You mean the agency that you represent?

Q. Yes.

A. Of course, I think we are arguing a technicality. I am of the opinion that if, as a result of a hearing such as this, your agency should be convinced, on the basis of the record made by the defense, that he is not deportable, then you wouldn't want to deport him.

Q. And if a finding was made that he was subject to deportation—

A. (Interposing) That you would want to, and that is what the hearing is for. But I haven't taken a position, and it would be a surprise to me if you have any pre-judgment on that.

Q. Do you believe that the Attorney General would have issued a warrant for Mr. Bridges' deportation if he did not believe there was some evidence before him to show that he was a member of the Communist Party?

A. I am certain he must have thought at the

(Testimony of Wayne Lyman Morse.)

time a prima facie case existed that justified the hearing.

Q. And when you referred to " * * * critics who seek to deport him * * * " you did not have in mind, I assume, a Governmental agency?

A. I certainly wouldn't have in mind any judicial body because that isn't the way we administer law. We don't pre- [4602] judge a case. I recall that Attorney General Cummings, one time in his career he became convinced—

Q. (Interposing) Or any other Governmental agency?

A. Yes; or any other. I think that is basic in our democratic form of government, that is, to wait and see what the record shows.

Q. Did you wait to see what the record showed before you made this statement?

A. Yes. The record of which I was speaking was my experience with Mr. Bridges, and on the basis of that experience I made the statement.

Q. Did you have in front of you the record that the Government had, that your Government had?

A. I don't recall whether that speech was made before or after the Angel Island hearing. If it was made after I undoubtedly had that in mind because my judgment was, after that hearing, that the decision was proper.

Q. Did you have that record before you, and did you study it, look at it, before you made this

(Testimony of Wayne Lyman Morse.)

statement, the record of either the last hearing, or the record of this proceeding?

A. I didn't have this one before me. That was April 1940.

Q. Did you have the record of the other proceeding before you? [4603]

A. Simply my knowledge of it, if it was prior to the hearing. I don't recall whether that statement was made prior to the Angel Island hearing or afterward. If it was made afterward I say I undoubtedly had in mind that as a background. If I made it prior thereto I simply had my general information based upon my associations through these hearings with him.

Q. You say you made that statement in April 1939?

A. I think it was April 1940. I think your manuscript you have in front of you must bear a date.

Q. I don't have a manuscript, Mr. Morse. I have a pamphlet.

A. All right. You know one in my position can't make a speech but what it gets into various stages of misinterpretation.

Q. Yes. I would be glad to show you what I have in front of me here. I have a pamphlet published by the Harry Bridges Defense Committee, National Headquarters, 593 Market Street, San Francisco, wherein they quote that portion of your speech you testified that you made.

A. They must have taken it from some other

(Testimony of Wayne Lyman Morse.)

published document because they didn't get it from me.

Mr. Del Guercio: That is all.

Presiding Inspector: That is all.

Mr. Grossman: I think we have one or two more questions. Could we have a short recess first? It is past time for our afternoon recess now. [4604]

Presiding Inspector: We will take a short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: Now, Mr. Grossman, we will hear you further.

Mr. Grossman: We have no further questions, your Honor.

Presiding Inspector: I think you are excused.

(Witness excused.)

Presiding Inspector: Now, if you will call back the witness Craycraft.

ROSCO GEORGE CRAYCRAFT

a witness called by and on behalf of the Alien, having been previously duly sworn, was examined and testified further as follows:

Direct Examination

(Resumed)

By Mr. Gladstein:

Q. Now, Mr. Craycraft, I think at the noon recess we were talking about the meeting in the Clyde

(Testimony of Roscoe George Craycraft.)

Hôtel on a Saturday afternoon, at which meeting were present you, Mr. Maurice Cannalonga and myself; and you had covered the conversation to the point, substantially this is it, where Mr. Cannalonga had stated in your presence and in mine that he had told the two FBI agents, Mr. Madala and Mr. Dickstein, that he had never been in a meeting with William Schneidermann and Harry Bridges at the same time; and that he refused to sign a statement to that effect because it would be a falsity. Thereafter, did Mr. Cannalonga say that, referring to the second time when he had [4605] been with the FBI agents, Madala and Dickstein—did he then say to you and to me that one of these FBI agents asked Cannalonga what had become of the girl Cannalonga picked up in Reno?

A. That's right.

Mr. Del Guercio: If your Honor please, I object to that. I object upon this ground: That the question itself carries only implications and nothing else, and on that ground it is improper and the answer that may have been given thereto is improper.

Mr. Gladstein: This is part of the conversation, your Honor.

Presiding Inspector: This you claim to be competent under my ruling as going to impeach the statement that he made, that he was not subject to any intimidation or threats of any kind?

Mr. Gladstein: Yes, and in light of the fact that Mr. Del Guercio read into the record in this hearing three statements which the two FBI agents had

(Testimony of Rosco George Craycraft.)

taken from Mr. Cannalonga. Therefore, the conversation on this Saturday, in which Mr. Cannalonga referred to and refuted those three statements saying they were contradictory, were tied up with his further statements as to why he signed those statements that he gave to the FBI.

Presiding Inspector: I will take it.

Mr. Del Guercio: If your Honor please, may I have the question read?

(The question referred to was read by the reporter as above recorded.) [4606]

Mr. Del Guercio: Now, if you will notice, counsel apparently has asked that question of Cannalonga.

Mr. Gladstein: No, I didn't. I didn't intend that the question should indicate that. I intended the question merely to ask of this witness—we are going back to the conversation in the Clyde Hotel. I am asking this witness if it isn't a fact that Cannalonga, while he was discussing this second occasion of meeting these two FBI agents, in telling us what he said had taken place, made this statement, namely, that at the second occasion of his meeting with the FBI agents, after certain things had already transpired, then one of the FBI agents asked Cannalonga what had become of the girl that he, Cannalonga, had picked up in Reno. This is Cannalonga's statement.

Presiding Inspector: You may say whether that occurred.

(Testimony of Rosco George Craycraft.)

A. He did.

By Mr. Gladstein:

Q. Did Mr. Cannalunga at the Clyde Hotel say that he, in response to the FBI agent, said, "What girl"? A. That is correct.

Presiding Inspector: This is all under your objection.

Mr. Del Guercio: It is.

Presiding Inspector: Proceed.

By Mr. Gladstein:

Q. Did Mr. Cannalunga then say in the Clyde Hotel that the FBI agent had said to him, Cannalunga, "You know [4607] the girl we are talking about."? A. That is right.

Mr. Del Guercio: I will object to that also, your Honor.

Presiding Inspector: I will take it.

By Mr. Gladstein:

Q. Did Cannalunga say in the Clyde Hotel that, referring to the occasion when he was with the two FBI agents, the second occasion, he, Cannalunga, turned hot and cold? A. That's right.

Mr. Del Guercio: The same objection, if the Court please.

Presiding Inspector: What about that? I don't see how that is pertinent.

Mr. Gladstein: This happens to be exactly what he said and this is his picturesque way, I take it.

Mr. Del Guercio: Now, if the Court please, counsel is testifying. He says "This is exactly".

(Testimony of Rosco George Craycraft.)

Presiding Inspector: I want to hear his argument as to why this is admissible.

Mr. Gladstein: This is Mr. Cannalonga's way of expressing his emotional or psychological reaction to the statement made to him by the FBI agents. It is his way of talking. This witness has already said that he used that expression.

Mr. Del Guercio: There is no evidence in the record to that effect, if your Honor please.

Presiding Inspector: No. But counsel claims, as I under- [4608] stand it, that this whole episode shows intimidation and, therefore, it contradicts what he said on the stand.

Mr. Gladstein: That is right, your Honor.

Presiding Inspector: That is one interpretation of it. With that understanding, I will take it.

Mr. Gladstein: Yes, your Honor.

Mr. Del Guercio: You say, "episode". Which episode do you mean? The episode that Mr. Gladstein is talking about?

Presiding Inspector: The episode at which inquiry was made concerning this.

By Mr. Gladstein:

Q. Did Mr. Cannalonga then say in the Clyde Hotel in your presence and in mine that he, Cannalonga, told the FBI agents "No, I don't know anything about any girl"? A. That's right.

Mr. Del Guercio: I will object to that, your Honor, on the same ground.

Presiding Inspector: I will take it. It is part of the history.

(Testimony of Rosco George Craycraft.)

By Mr. Gladstein:

Q. Then did Mr. Cannalunga then go on and say that one of the FBI agents had said to him, "Oh, yes. You know who we mean."?

A. That's right.

Mr. Del Guercio: I object to that also.

Presiding Inspector: There is an objection to all this [4609] testimony. Go ahead.

By Mr. Gladstein:

Q. Did Mr. Cannalunga then say in the Clyde Hotel that one of the FBI agents, referring to the second occasion of Mr. Cannalunga's meeting with Mr. Madala and Mr. Dickstein, proceeded to tell Mr. Cannalunga by name the various places in the various states where Mr. Cannalunga had stayed with a girl?

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: Oh, I will take it as bearing on the contradiction.

Mr. Gladstein: Yes, your Honor.

A. That is correct.

By Mr. Gladstein:

Q. Did Mr. Cannalunga in the Clyde Hotel say that the FBI agent told him, described Mr. Cannalunga's itinerary with this girl from the State of Nevada into the State of California, into the State of Oregon and thence into the State of Washington?

A. That's right.

Mr. Del Guercio: I will object to that, if your

(Testimony of Rosco George Craycraft.)

Honor please, as being incompetent, irrelevant and immaterial and contradicts nothing.

Presiding Inspector: Well, it may not and yet it may. It is the way that it is looked at. I will take it. You see, [4610] he says he wasn't intimidated.

By Mr. Gladstein:

Q. Did I at the Clyde Hotel ask Mr. Cannalunga whether the FBI agents on this second occasion had him cold?

Mr. Del Guercio: What is that?

Presiding Inspector: What is that?

Mr. Gladstein: "Had him cold". It is pretty bad language for a lawyer.

Presiding Inspector: I am going to hear the question.

Mr. Del Guercio: I object to counsel's statement. Had whom "cold"? The attorney or the witness or who?

Mr. Gladstein: I will clarify it. I will rephrase the question.

By Mr. Gladstein:

Q. Did I ask Mr. Cannalunga in the Clyde Hotel substantially this question:

"Did they have you cold?" A. Yes.

Presiding Inspector: I will allow that.

By Mr. Gladstein:

Q. In response to that question of mine did Mr. Cannalunga nod his head in the affirmative?

Mr. Del Guercio: Well now, if your Honor

(Testimony of Rosco George Craycraft.)

please, I submit that questions of this kind, even when they want to derive some implication from what a witness acts or reacts to a certain question, and that kind of a question propounded by what counsel [4611] himself has termed unusual language "even for an attorney", and then seeking to introduce it in this Court and have you believe it, that is indeed unusual "even for an attorney".

Presiding Inspector: Yes. But I think Mr. Gladstein is attempting to show the effect of what he claims is intimidation by the statements which have been proved by this witness that Cannalonga made to Mr. Gladstein. I will take it over your objection.

Mr. Del Guercio: Yes, over my objection. The Court has noted, as I have noted, no doubt, that in answer to one of Mr. Gladstein's questions Mr. Cannalonga said he didn't know any such girl. Now, if he didn't know of any such girl how could it be possible for him to have been intimidated even though ten thousand FBI agents may have accused him and even if they described the itinerary which they traveled? Counsel would have us believe that Cannalonga did make that statement, that he told the FBI men that he didn't know of such a girl. I suppose that is what he is getting this for. He wants us to believe that and this Court to believe that, and Cannalonga told him, Mr. Gladstein, that Cannalonga had stated to the FBI men that he didn't know of such a girl.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: Yes. But if he subsequently made certain statements somewhat in contradiction of that, I think I will take that.

Mr. Del Guercio: Contradictory in the same inquiry now? In Mr. Gladstein's inquiry? [4612]

Presiding Inspector: Yes. I don't know much about the psychological occurrences, but sometimes they say one thing concerning the opposite sex, and then when matters are called to their attention they change their statements. I think that is what is claimed.

Mr. Gladstein: If I had been unclear in my questioning so that Mr. Del Guercio got an erroneous impression, I would like to state this, your Honor. I don't know what the record shows on this, but it is my intention by my questions to bring out not that Mr. Cannalonga told me that he was denying to me that he knew such a girl, but that in describing what had taken place with the two FBI agents on this second occasion, he Cannalonga did respond in a certain way to their accusation and his first way was, as the witness has already testified, that he said he didn't know any such girl and then what took place after that. I can't believe for the life of me that Mr. Del Guercio really is serious when he says—

Presiding Inspector (Interposing): Never mind whether he is or not. Ask the next question.

Mr. Del Guercio: I will assure counsel and the Court that I do mean every word that I say.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: We will take that, too.

Mr. Del Guercio: Yes, you may take that. That may stand.

Mr. Gladstein: What is the last question, please?

(The question referred to was read by the reporter as follows: [4613].

“Q. In response to that question of mine did Mr. Cannalonga nod his head in the affirmative?”)

A. Yes.

Mr. Del Guercio: The witness responded “Yes.” I understand the question was whether he indicated by a nod in the affirmative?

Presiding Inspector: Did he nod his head?

Mr. Gladstein: The witness said “Yes”.

By Mr. Gladstein:

Q. When you said “Yes”, you mean that he did do it? A. He did nod his head.

Q. Now, Mr. Craycraft, did Mr. Cannalonga then say in the Clyde Hotel, referring still to this second occasion of this meeting with Mr. Madala and Mr. Dickstein, that the FBI agents then went back to questioning him again concerning Harry Bridges? A. Yes.

Mr. Del Guercio: I will object to that, if your Honor please. That isn't contradictory of anything that Mr. Cannalonga said.

Presiding Inspector: Well, I suppose that is preliminary.

(Testimony of Roscoe George Craycraft.)

Mr. Gladstein: Yes.

Presiding Inspector: That is not contradictory.

By Mr. Gladstein:

Q. Did Mr. Cannalunga—

Mr. Del Guercio (Interposing): Are we going to get pre- [4614] liminary things into this thing, too? This is all a conversation, you know.

Presiding Inspector: That is what I mean: preliminary to something that is material occurring thereafter in the conversation.

Mr. Del Guercio: Then I misunderstood the Court's ruling, because I understand that your ruling is that you were only going to admit those portions of Mr. Cannalunga's conversation that tended to contradict statements that he had made on the witness stand here, and nothing else.

Presiding Inspector: That's right. But I think his statement that an occurrence happened and then there was a pause or they went out and took a drink of water would come within the general story of what occurred. I don't think it can be differentiated from the rest. I don't see any great importance to it.

By Mr. Gladstein:

Q. Did Mr. Cannalunga say that he continued to tell the FBI agents that he knew nothing about Harry Bridges' membership in the Communist Party and that he had never attended any Communist Party meetings with him?

(Testimony of Rosco George Craycraft.)

A. That is right.

Mr. Del Guercio: I object to that as being a compound question.

Presiding Inspector: Yes. I will take it. It is com- [4615] pound.

By Mr. Gladstein:

Q. Did Mr. Cannalonga say that the FBI agents told him that they wanted him to sign a statement to the effect that he, Cannalonga, had been in Communist Party meetings with Bridges?

A. That's right.

Mr. Del Guercio: I will object to that.

Presiding Inspector: I will take it.

By Mr. Gladstein:

Q. Did Cannalonga say that he told the FBI agents that he had never been in such meetings with Bridges and could not make such a statement?

A. That's right.

Mr. Del Guercio: I will object to that also.

By Mr. Gladstein:

Q. Did Cannalonga say that the FBI agents then told him to return the following day?

A. Correct.

Q. Did Cannalonga say that he did return the following day to see Mr. Madala and Mr. Dickstein?

A. Yes. [4616]

Q. Did he say that they, the FBI agents, on this third occasion had a prepared typewritten statement for him, Cannalonga, to sign?

A. Yes.

(Testimony of Rosco George Craycraft.)

Mr. Del Guercio: I will object to it.

Presiding Inspector: I will take it.

By Mr. Gladstein:

Q. Did Mr. Cannalunga say that he refused to sign the statement because it contained falsehoods?

A. Yes.

Q. Did Mr. Cannalunga say that one of the FBI agents then turned to the other and asked, "How much will he get under the Mann Act?"

A. Yes.

Mr. Myron: Are these contradictory statements?

Presiding Inspector: Contradictory to the fact that he was not intimidated.

By Mr. Gladstein:

Q. Did Mr. Cannalunga say to us in the Clyde Hotel that the two FBI agents on this third occasion computed imprisonment for Cannalunga on charges under the Mann Act at probably 20 years?

A. That is right.

Q. Did Cannalunga say that after that discussion of 20 years the FBI agents handed this statement to him to sign? [4617]

Mr. Del Guercio: I object to the question.

A. Yes.

Presiding Inspector: I will take it.

By Mr. Gladstein:

Q. Did Cannalunga say then in the Clyde Hotel that he signed the statement that the FBI agents gave him?

(Testimony of Rosco George Craycraft.)

A. With a few notations of corrections; yes.

Q. Did Mr. Cannalunga—withdraw that. Did I then ask Mr. Cannalunga whether the second statement signed by him for the FBI was also prepared in advance by the FBI? A. Yes.

Mr. Del Guercio: I object to that, your Honor.

Presiding Inspector: I will take it.

By Mr. Gladstein:

Q. What was his answer?

A. That it was.

Q. Did I ask him whether it also contained false statements? A. Yes.

Q. What was his answer? A. It did.

Q. Did I ask Mr. Cannalunga whether the third statement signed by him for the FBI was also prepared in advance by the FBI agents? A. Yes.

Q. What was his answer? [4618]

A. That it was.

Q. Did I ask him whether it, too, contained false statements? A. Yes.

Q. What was his answer? A. It did.

Q. Did Mr. Cannalunga say that after he testified in court in this case when he got off the stand the FBI gave him hell because his testimony was not strong enough? A. That is right.

Mr. Del Guercio: I object to that.

Presiding Inspector: I will exclude it. It hasn't anything to do with a contradictory statement.

Mr. Gladstein: I think the next question that I wish to ask will show that it does.

(Testimony of Roseo George Craycraft.)

Presiding Inspector: Perhaps so. We will exclude it until we hear the next question.

By Mr. Gladstein:

Q. Did Mr. Cannalunga say that after the FBI men gave him hell because his testimony was not strong enough he said, Cannalunga, to the FBI, "Well, what did you expect?"

A. That is correct.

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: Strike it out. I will exclude it.

By Mr. Gladstein:

Q. Did I ask Mr. Cannalunga to come to San Francisco and [4619] testify to the whole truth?

A. Yes.

Mr. Del Guercio: If your Honor please, I have noted here that counsel, in some of his questions, used, "Did I ask," but in some of these other matters wherein the FBI is besmirched, he doesn't indicate that he asked, and put the question in the witness' mouth. Now, I think he ought to be cautioned about that, and he ought to be made to state whether or not he did ask that or not.

Mr. Gladstein: I will be glad to. It is quite apparent, at least to anybody with any intelligence, that by my questioning. I am trying to bring out the way this entire conversation occurred.

Presiding Inspector: Go ahead.

(Testimony of Rosco George Craycraft.)

You withdraw that remark?

Mr. Gladstein: Yes. I am trying to bring out the method in which this conversation occurred. I think the record will show that preliminary after the introductions, it was my intention to bring out from Mr. Craycraft that I asked Mr. Cannalonga to tell about what had taken place in the various FBI meetings in his own way, and that he proceeded to discuss those without questioning by me; that at various points I did interrogate him, I did throw in a question; that after he finished with the first statement—

Presiding Inspector: I don't know what you are talking [4620] about. Go ahead with your questions.

Mr. Gladstein: He wanted to know whether I had proceeded by specific—

Mr. Del Guercio (Interposing): We can find that out from you when you are on the stand.

Presiding Inspector: Neither of you should lead the other into discussions.

Go ahead and ask your next questions.

Mr. Gladstein: What was the last question?

Presiding Inspector: You are talking something about Mr. Cannalonga testifying here in this court room.

Mr. Gladstein: Do you want this without leading questions? I am willing to abide by your Honor's ruling.

Presiding Inspector: It should be without lead-

(Testimony of Roscoe George Craycraft.)

ing questions. This is to show why he isn't here, I suppose.

Mr. Gladstein: To show what took place.

Presiding Inspector: Yes.

By Mr. Gladstein:

Q. Now—

Presiding Inspector: The question is excluded or was it withdrawn? Ask what was said between them with respect to Cannalunga coming down here:

By Mr. Gladstein:

Q. Would you please state to the Court what occurred at that conversation in the Clyde Hotel on that Saturday afternoon [4621] in your presence, and in the presence of Cannalunga, and in the presence of myself, with respect to any discussion relative to Mr. Cannalunga coming down to testify again in this hearing?

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: I will take it as bearing on his absence.

A. Mr. Cannalunga stated that he would be glad to come down to San Francisco and he would be willing to get up and tell the same story he told us that day, and the only request that he wanted was that he would be allowed to go to Seattle first to see some other parties whom he thought would be involved; and then proceed to Frisco to testify.

(Testimony of Rosco George Craycraft.)

By Mr. Gladstein:

Q. Now, on that occasion was there any discussion with respect to Mr. Cannalunga giving a deposition?

A. Mr. Gladstein asked Mr. Cannalunga if he wanted to take the time out to go to Seattle, would he have any objection to making a deposition at that time that he could take back to Frisco with him.

Mr. Cannalunga said, "No, I will be willing to do that up to the part where it involves the FBI and the Mann Act charges."

Q. Was there any discussion with respect to when such a deposition could be taken? [4622]

A. We agreed that we would meet the next morning, Sunday morning, and have a court reporter present to take the deposition.

Q. Did Mr. Cannalunga say something about wanting to sleep over the matter? A. Yes.

Q. Was that in reference to his going to Seattle and getting some kind of a clearance?

Mr. Del Guercio: If your Honor please, we didn't make an objection to the last one as leading and suggestive, but clearly this is—of course not that the witness needs it, I don't say that—suggestive.

Presiding Inspector: I don't quite understand the point of this.

Mr. Gladstein: It is all on the question of the deposition, the discussion that took place later on.

Presiding Inspector: The statement before this lawyer?

(Testimony of Rosco George Craycraft.)

Mr. Gladstein: Yes.

Presiding Inspector: Well, now, all this occurred after Mr. Cannalunga said he would come down here.

Mr. Gladstein: The witness didn't say that. He said he was ready to come down, but he said that he would come down if he could first go to Seattle and do something.

Presiding Inspector: I understood him to say he was willing to come down and make a clean, come clean, or whatever it is. [4623]

By Mr. Gladstein:

Q. Mr. Craycraft, will you state to the best of your recollection all of the things that Mr. Cannalunga said with respect to his coming down and testifying?

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: I think we have had it once. It is just for clarification. Go ahead.

A. The only point that Mr. Cannalunga raised

Presiding Inspector: What did he say?

A. (Continuing) He said he would come down and testify to everything up to the point that involved the Mann Act charges and the FBI; but if he was going to testify on that he wanted to go to Seattle first to see some other people whom he said were involved; and if it was agreeable to them then he would testify to that part too.

(Testimony of Rosco George Craycraft.)

By Mr. Gladstein:

Q. Didn't I state in substance to Mr. Cannalonga that if he was going to testify we wanted nothing but the whole truth and not just part of it?

A. That is correct.

Mr. Del Guercio: I will object to that.

Presiding Inspector: It is perfectly self-serving. I will exclude that.

Mr. Gladstein: I am going to start with the following day, [4624] and I see that it is after our hour for adjournment, and we cannot finish the direct today with this witness anyway.

Presiding Inspector: I think you can.

Mr. Gladstein: No. There are a number of meetings yet to be covered, your Honor.

Presiding Inspector: You are not going over what the stenographer has testified to?

Mr. Gladstein: No, but there were other meetings besides that, not with me, but meetings that Mr. Craycraft had with Mr. Cannalonga which I wish brought out in the record.

Presiding Inspector: Let's go along a little ways. Would you rather adjourn?

Mr. Del Guercio: Well, we are willing to abide by the Court's wishes.

Presiding Inspector: We will go on for five or ten minutes. These are short court days for me.

By Mr. Gladstein:

Q. What were the arrangements, if any, Mr.

(Testimony of Rosco George Craycraft.)

Craycraft, that were made with respect to meeting Mr. Cannalonga again?

A. I left your room with Mr. Cannalonga to take him back to the ship, but Mr. Cannalonga and I were to work out the time when we could meet the next day, and I was to call you back and let you know what time it would be.

On the way down to the ship we discussed this matter and Mr. Cannalonga said the best time for him to get off would be [4625] around a quarter to ten in the morning. I was to pick him up at a quarter to ten in the morning and bring him up to the Clyde Hotel at ten o'clock.

Q. Did you communicate that information to me? A. Yes, sir.

Mr. Del Guercio: Well—

Presiding Inspector: This is just the history of it.

By Mr. Gladstein:

Q. What arrangements, if any, were made with respect to making available a court reporter—withdraw that.

Presiding Inspector: How is that material? You did get a court reporter.

Mr. Gladstein: Well, I would like to have all these facts before the Court because I distinctly recall a statement by Mr. Del Guercio to the effect that I intimidated Mr. Cannalonga, and I would like to have all this come out just the way it happened, rather than allow any such statement to go in unanswered by testimony.

(Testimony of Rosco George Craycraft.)

Mr. Del Guercio: Now, if the Court please, we have the true facts from this witness here in his own defense that he did not intimidate Mr. Cannalonga.

Mr. Gladstein: I haven't been called as a witness, and I think Mr. Del Guercio knows better than to make a statement like that.

Mr. Del Guercio: On the contrary, he stated—

[4626]

Presiding Inspector: We are getting again into recriminations; criminations and recriminations.

Now, you want to show what was done?

Mr. Gladstein: I certainly do.

Presiding Inspector: All right. Go ahead. Be brief about it. I will take it.

Mr. Del Guercio: If your Honor please, I understand this is for the purpose of showing that Mr. Gladstein did not intimidate Mr. Cannalonga.

Mr. Gladstein: It is none of your—I will withdraw the remark. I have a right to introduce testimony on any tenable theory and I am not under any limitation by Mr. Del Guercio.

Presiding Inspector: Mr. Del Guercio has a right to object.

Mr. Gladstein: But not to impose conditions beforehand on the purpose for which I ask questions.

Mr. Del Guercio: I have a right to address the Court at any time.

Presiding Inspector: Go ahead.

By Mr. Gladstein:

Q. On that Saturday after Mr. Cannalonga left

(Testimony of Roscoe George Craycraft.)

my room in the Clyde Hotel, are you familiar with the arrangements, if any, that were made with respect to getting a shorthand reporter available for a deposition?

Mr. Del Guercio: Your Honor, I will object to that as not [4627] asking this witness as to anything that was said in Mr. Cannalunga's presence — "Are you familiar with what arrangements were made?"

Presiding Inspector: I don't think I would go into that, Mr. Gladstein. How is that material?

Mr. Gladstein: All right. If you rule that it is immaterial, I am satisfied.

Presiding Inspector: I don't think it is material. I would like to advance this examination.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. On the following morning, on Sunday, did you meet Mr. Cannalunga?

A. I picked him up at the ship, then took him up to the Clyde Hotel to your room.

Q. What time of the day was it when you picked him up?

A. Approximately 9:45 and we were up to your room about 10:00.

Q. And how long were the three of us in the room together?

A. Oh, I would judge approximately an hour and a half.

Q. And were there discussions at that time?

A. Yes.

(Testimony of Rosco George Craycraft.)

Q. Or was there a discussion? A. Yes.

Q. Did I ask Mr. Cannalunga again questions with respect to the meetings that he had with the FBI agents on the occasions that [4628] he described? A. Yes.

Mr. Del Guercio: I will object to that.

Presiding Inspector: Was that in the so-called deposition?

Mr. Gladstein: This is before the deposition.

Presiding Inspector: Oh.

Mr. Del Guercio: There were matters that were not in that deposition that were discussed? I will withdraw my objection.

Presiding Inspector: I will take that.

Mr. Del Guercio: Was that question answered?

The Reporter: Yes.

By Mr. Gladstein:

Q. Did I ask Mr. Cannalunga whether all the statements that he had given me in your presence the previous day were true?

A. That is right.

Q. What was his answer?

A. That they were true.

Q. Did I tell Mr. Cannalunga that arrangements had been made to meet at the office of Mr. William Lord, an attorney, for a deposition to be taken?

A. That is right.

Q. Did Mr. Cannalunga say that he was willing to give testimony in the deposition that the statements he had given to the FBI were false, but that

(Testimony of Rosco George Craycraft.)

he did not want to admit the inci- [4629] dent concerning the Mann Act?

Mr. Del Guercio: I will object to that, if your Honor please, on a number of grounds. First of all, that if counsel did ask Mr. Cannalunga such a question he knew that he was misleading and deceiving the Alien because he could not have taken the deposition within the legal conception of that term, a deposition from Cannalunga under those circumstances.

Mr. Gladstein: I don't know why not.

Presiding Inspector: I will take it just the same.

Mr. Gladstein: I would like to hear Mr. Del Guercio's definition of a "deposition".

Presiding Inspector: There may be some misapprehension as to what is meant by the word "deposition". A deposition may be an affidavit, I suppose. A definition may be testimony taken pursuant to letters interrogatory or any commission. The word has a broad significance.

Mr. Gladstein: In general it means a statement under oath, I suppose, and the usual form in this state, of depositions, is that the person giving the deposition is sworn and then the procedure is that he is asked questions to which he gives answers. That is the usual form in this state.

Mr. Del Guercio: Do I understand that in California, and am I correct in stating, that a deposition is usually taken with notice to the other party?

Presiding Inspector: Well, I don't think we

(Testimony of Rosco George Craycraft.)

need quarrel [4630] over the use of the word. In some places they use depositions in place of affidavits, I understand. In other places they don't. At any rate I don't think we will quarrel over the use of the word. Go ahead.

Mr. Gladstein: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. That is correct. He still wanted to make a trip to Seattle before he would make anything in the deposition on that basis; that is, the Mann Act.

Q. Did I ask Mr. Cannalonga to come to the office of the attorney where I would proceed to ask questions and that he was perfectly free to answer, but I wanted no questions answered untruthfully?

Mr. Del Guercio: I will object to that as being self-serving.

Presiding Inspector: I believe that is self-serving.

Mr. Gladstein: What is self-serving about it?

Presiding Inspector: We don't care what you said about the truth.

Mr. Gladstein: It isn't that I said to him that I just wanted him to tell just the truth. It is that I said to him this: That he was free to answer those questions that he wanted and he was free not to answer those questions that he didn't want; but if he chose to answer a question that answer should be a truthful answer and nothing else. And that is important because it developed that at the deposi-

(Testimony of Rosco George Craycraft.)

tion there are questions which he [4631] chose not to answer.

Mr. Del Guercio: I still object upon the ground that it is self-serving.

Presiding Inspector: I will take so much of it as is included in what he might or might not answer.

Read the question, please.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: You seemed to have some doubt that he would tell the truth. Why should you want that?

Mr. Gladstein: Because it is already indicated by the testimony that he was willing to give a part of the truth but not all of it without first going to Seattle.

Presiding Inspector: I know.

Mr. Del Guercio: And—all right.

Presiding Inspector: If you want it I will let you have the question in that form.

Mr. Gladstein: I would like the question in that form.

Mr. Del Guercio: And our objection is that it is self-serving.

Presiding Inspector: Repeat what he did say.

The Witness: Mr. Cannalunga said that he was willing to go up there and he would testify to that part which brought it down to the FBI in a Mann Act charge.

(Testimony of Roscoe George Craycraft.)

Presiding Inspector: And what did Mr. Gladstein say?

The Witness: Mr. Gladstein said "That is all I want, is [4632-3] the truth, and I will ask you the questions and you answer those questions truthfully. Those questions which you don't want to answer," he says, "you don't have to answer. But if you do answer one of my questions I want a truthful answer."

Presiding Inspector: Go ahead.

By Mr. Gladstein:

Q. Did we then proceed to the office of Mr. Lord? A. Yes.

Q. Do you know where it is located?

A. In the Guardian Building on Third and Alder.

Q. And who were the persons that went to that building?

A. Mr. Cannalonga, yourself, myself.

Q. And how did we go from the hotel to the Guardian Building?

A. Drove down in my car.

Q. And when we got to the offices of Mr. Lord whom, if anyone, did we find?

A. Mr. Shoemaker and Mr. Lord.

Q. How long were we in the office of Mr. Lord on that occasion?

A. I believe it would be around an hour and twenty or thirty minutes all told.

Q. And were you present throughout all that took place? A. Yes.

(Testimony of Rosco George Craycraft.)

Q. Were you present while Mr. Cannalunga was there answering [4634] questions? A. Yes.

Q. And while I was there asking questions?

A. Yes.

Q. Was Mr. Lord present? A. Yes.

Q. And Mr. Shoemaker? A. Yes.

Presiding Inspector: Now we will take a recess until tomorrow morning.

(Whereupon, at 4:15 o'clock p.m. an adjournment was taken until Wednesday, May 21, 1941, at 10:00 o'clock a.m.) [4635]

Court Room 276,
Federal Building,
San Francisco, California,
May 21, 1941.

Met, pursuant to adjournment, at 10:00 A.M.

[4636]

PROCEEDINGS

Presiding Inspector: The hearing will proceed.

Are you going to continue, Mr. Grossman?

Mr. Grossman: Mr. Gladstein will continue.

Mr. Gladstein: I have been put in a lower chair.

Presiding Inspector: Are you going to change?

Mr. Gladstein: No, your Honor.

Presiding Inspector: Go ahead.

ROSCO GEORGE CRAYCRAFT

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Direct Examination (Resumed).

By Mr. Gladstein:

Q. Now, Mr. Craycraft, we concluded yesterday's hearing at the point; I believe, where you, Mr. Cannalonga and I, on a Sunday morning in May of this year, went to the office of Mr. William Lord and there found Mr. Lord, and a court reporter by the name of Shoemaker. Did I ask you how long we were in that office?

A. Yes. I answered approximately, to the best of my recollection, about an hour and a half.

Q. And were you present during all of that time? A. Yes, sir.

Q. Now, after the proceedings which took place in that office were over did you go out to see Mr. Cannalonga when he was [4087] leaving?

Mr. Del Guercio: Just a minute. I object to the question, and object to the use of the word "proceedings." There were no proceedings in that office in any sense of the word.

Mr. Gladstein: I will take a suggestion as to the word that should be used.

Presiding Inspector: Transaction. I don't know just what the word would be. Go ahead.

By Mr. Gladstein:

Q. Do you have in mind the question?

Presiding Inspector: The use of a word would

(Testimony of Roscoe George Craycraft.)

not in any way be evidence of any official character of what took place.

Mr. Del. Guercio: It characterizes the nature of it.

Presiding Inspector: It might be thought to, but that wouldn't be the inference that this Inspector would draw from it.

Go ahead.

A. I went to the elevator with Mr. Cannalunga, and we agreed there that he was to call me that night at 7:00 o'clock and at that time we were going to discuss ways and means of going to Seattle the next morning. [4638]

By Mr. Gladstein:

Q. Did he call you up that evening?

A. No. One of the winches broke down on the ship and he was unable to get to the telephone. So I went down to the ship approximately 8:00 o'clock.

Q. That was on the Sunday night?

A. On a Sunday night.

Presiding Inspector: Can you hear the witness, Mr. Del Guercio?

Mr. Del Guercio: Not very well.

Presiding Inspector: Do the best you can.

By Mr. Gladstein:

Q. Did you see Mr. Cannalunga that night?

A. Yes. That night we discussed what would be the soonest time he could get off the ship, and he felt he could get off the ship by noon on Monday and I was to come down to the ship on the next

(Testimony of Rosco George Craycraft.)

morning at 10:00 o'clock to see if it would be possible for him to get his release.

Q. When you saw Mr. Cannalonga that evening, that Sunday night, where did you see him?

Mr. Del Guercio: I will object to this line of inquiry, if your Honor please.

Presiding Inspector: I think we might as well get all of the story. I will take it.

A. On the West Kussetta. Terminal No. 1.

By Mr. Gladstein: [4639]

Q. On what part of the ship?

A. On the afterdeck between No. 4 and No. 5 hatch.

Presiding Inspector: This, I take it, is in explanation of why he isn't here.

Mr. Gladstein: It leads up to the last time that Mr. Craycraft saw him.

Presiding Inspector: Yes.

By Mr. Gladstein

Q. Was there anybody else present besides yourself and Mr. Cannalong on that occasion?

A. Just Mr. Cannalonga and myself.

Q. How long were you with him at that time?

A. Not over seven or eight minutes. All we were doing was agreeing on what time we would meet the next morning to work out our plans to go to Seattle.

Q. Before you left Mr. Cannalonga that Sunday night did you agree on a time when you should see him again?

(Testimony of Rosco George Craycraft.)

A. The next morning at 10:00 A.M.

Q. Did you see him then? A. Yes, sir.

Q. Where did you see him?

A. I went down to the ship at 10:00 A.M. on Monday morning. The agent of the Marine Firemen was there. He was trying to get a relief so he could get off the ship.

Mr. Myron: Of course, this is objected to, your Honor. [4640]

Presiding Inspector: This I am taking as part of the history of Cannalonga's absence. I don't know whether there is anything of pertinence or not, but I will take it and we will determine that afterwards.

A. (Continuing) And he had stated that they had sent a man uptown already to try to get his license so that he could sail as an electrician; that they expected his relief around noon and he should be there not later than 2:00 P.M. And at 2:00 P.M. he would call me at Third and Couch in Portland.

By Mr. Gladstein:

Q. How long were you with him on Monday morning? A. Oh, not over five minutes.

Q. Did he call you?

A. He didn't call me at 2:00. He called me at 3:30.

Q. Where were you when he called you?

A. At Maletti's Grocery Store at Third and Couch.

Q. Had you previously told him where he could reach you?

(Testimony of Rosco George Craycraft.)

A. That was agreed between the two of us.

Q. How did he have the telephone number of the Maletti's Grocery?

A. I give it to him so he could reach me there.

Q. You say he phoned you about 3:30 Monday afternoon.

A. He phoned me at 3:30 Monday afternoon, said he had been unable to get his relief, that he was going to try to get off that evening at the latest, and if he hadn't heard from me up to the dinner hour for me to come down to the ship at that time. [4641] And I went down to the ship at about 7:00 P.M. Monday evening.

Q. Did you see him on that occasion?

A. When I first came aboard the ship he was off the ship doing a little shopping. I waited about ten or fifteen minutes, then Mr. Cannalonga came back and I stayed with him until about a quarter to nine or nine o'clock.

Q. On that occasion were you alone or was anyone else present?

A. Mr. Mowery, a member of our union, was with me.

Q. What is his full name?

A. Jack Mowery; M-o-w-e-r-y.

Q. Had the name of Jack Mowery come up in these discussions with Mr. Cannalonga prior to that Monday night?

A. Yes. In previous discussions with Mr. Cannalonga he had made the statement that he wanted to see Jack Mowery, that he happened to be a per-

(Testimony of Roscoe George Craycraft.)

sonal friend of his and he went ahead and give me a little background of when he had been with him before. And he said, if I run into Jack to bring him down to the ship, that he wanted to talk to him.

Q. What took place that Monday night when you, Jack Mowery and Cannalonga were together on the ship?

A. Cannalonga had missed his meal hour. So he went out and made up a big pile of sandwiches, had a whole platter full of them. He brought those in and we sat there and ate sandwiches. We had a drink with our sandwiches, and then he give me more of the history of what went on in Seattle.

[4642]

Q. When you say "What went on in Seattle," are you referring to the times when Mr. Cannalonga was meeting with the FBI agents?

A. He gave me a list of all the places that the FBI agents had said they had checked up on him and found him in these different auto camps and hotels when he was registered with this woman.

Q. Did you make notes in Mr. Cannalonga's presence of this information? A. Yes, sir.

Mr. Del Guercio: I will object to that, if your Honor please. I don't like, in court, to characterize this man's testimony, but I will object to this line of inquiry as being entirely improper, irrelevant and immaterial.

Presiding Inspector: You have got everything that you want. What difference does it make?

Mr. Gladstein: All right. Of course, my pur-

(Testimony of Rosco George Craycraft.)

pose, if I may state it for the record, in bringing out this fact, is to show the specific data supporting—

Presiding Inspector: What?

Mr. Gladstein: (Continuing) —the specific data supporting the charge of intimidation.

Presiding Inspector: I think you have gone far enough.

Mr. Gladstein: All right.

Presiding Inspector: I think you have got everything that [4643] you need. Of course, if cross examination opens this further why you may on rebuttal examine further.

Mr. Gladstein: Thank you.

By Mr. Gladstein:

Q. On that same evening did Mr. Cannalunga state whether or not he was willing to come to San Francisco and testify and, if so, under what circumstances? A. He did.

Q. What did he say?

A. When we left there it was agreed between Mr. Cannalunga and Mr. Mowery—M-o-w-e-r-y—that Mr. Mowery would come down to the ship the next morning at ten o'clock, and if he was able to get his relief that they would proceed to Seattle, and after leaving Seattle they would come to San Francisco; after he made his trip to Seattle and seen certain parties—he didn't mention the names of these people he had to see—and if they were willing he would come to San Francisco and testify to

(Testimony of Rosco George Craycraft.)

the whole truth, even including the intimidations of the FBI.

Q. Now, during your conversations with Mr. Cannalunga did he ever state that he believed he was surveillance by representatives of the Government while he, Cannalunga, was working on the ship?

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: I don't see its materiality. [4644]

Mr. Gladstein: It goes to why these arrangements were being made for Mr. Cannalunga to go to Seattle and then come to San Francisco.

Mr. Del Guercio: I object to counsel's reference to this as "arrangements". I think it should be referred to as "concoctions."

Mr. Gladstein: I move that be stricken.

Presiding Inspector: Yes; I will strike that out.

I don't see that that is material, what was in Mr. Cannalunga's mind.

Mr. Gladstein: It is what he stated. Of course, as I remember it, it seems to me that your Honor stated at some time during this question concerning Mr. Cannalunga, that you had received information to the effect that—or, perhaps you had received this information from us, and that we had received it from the north, that there were some representatives—I remember now: I made a statement that some FBI agents were watching that ship on Tuesday morning, and Mr. Del Guercio got up in court

(Testimony of Rosco George Craycraft.)

and said that wasn't true; that they were not FBI agents, but they were Immigration Inspectors.

Presiding Inspector: I think that is as I recall it.

Mr. Del Guercio: That is a misstatement of counsel.

Presiding Inspector: In a general way, something of that kind occurred.

Mr. Del Guercio: That was on Wednesday.

[4645]

Presiding Inspector: I don't know when it was.

Mr. Gladstein: Was it on Wednesday? Anyway, I think—

Presiding Inspector: Let me hear that question again.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: You mean at this time, working on the ship at this time?

The Witness: Yes.

Mr. Del Guercio: Maybe the witness saw him. You might ask him if he saw him.

Presiding Inspector: I don't know. I will take the answer for what it is worth. It doesn't seem to be material.

A. Mr. Cannalonga seemed to be under that impression, and that is why—

Presiding Inspector: Did he say that?

The Witness: Yes. That is why he requested—

Presiding Inspector: Did he say that?

The Witness: Yes. That is—

(Testimony of Rosco George Craycraft.)

Presiding Inspector: That is all.

By Mr. Gladstein:

Q. Now, on that Monday night, after you made notes in Mr. Cannalunga's presence of the information that he gave concerning the data which the FBI agents said they had on Cannalunga with reference to this woman, did Cannalunga himself write anything?

A. Yes. I told Mr. Cannalunga, when I went down the [4646] first part of the evening, that I was leaving for San Francisco that night. So, after he volunteered all this information, and he stated he was going to Seattle, he gave me a note to Harry Bridges telling him that he would meet him in San Francisco on Tuesday night.

(Mr. Gladstein passed a document to Mr. Del Guercio.)

Mr. Del Guercio: We have no objection to this going in evidence, your Honor.

Mr. Gladstein: I haven't shown it to the witness, yet.

By Mr. Gladstein:

Q. I show you a slip of white paper. Is that the note that Mr. Cannalunga wrote?

A. (Examining paper) That is correct.

Mr. Gladstein: I offer it in evidence.

Presiding Inspector: Received without objection.

(The document referred to was received in evidence and marked Alien's Exhibit No. 24.)

(Testimony of Rosco George Craycraft.)

Mr. Gladstein: If there is no objection I will read this into the record, your Honor.

Presiding Inspector: Certainly.

Mr. Del Guercio: What?

Presiding Inspector: He wanted to read it into the record.

Mr. Gladstein: "May 5, 1941. Will see you tomorrow nite. Blackie."

By Mr. Gladstein:

Q. Have you ever seen Mr. Cannalonga since that Monday [4647] night?

A. No, sir.

Q. On that Monday night did you leave Portland?

Mr. Del Guercio: If your Honor please, I object to any further questioning along that line as to what this witness did.

Presiding Inspector: I will receive it just as a termination of the incident. A. I did.

By Mr. Gladstein:

Q. And by means of what type of transportation?

A. I left there on the 10:20 plane from Portland.

Q. For where?

A. For San Francisco; arriving here about a quarter to three.

Q. And were you in San Francisco all of Tuesday? A. Tuesday, Wednesday, Thursday.

Q. Of that week? A. Of that week.

Q. During your various conversations with Mr.

(Testimony of Rosco George Craycraft.)

Cannalunga did you on any occasion make any notes in Cannalunga's presence of any of these things that he told you?

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: There hasn't been any failure of this man to remember. [4648]

Mr. Gladstein: All right, your Honor.

By Mr. Gladstein:

Q. Mr. Craycraft, I direct your attention to a convention of the International Longshoremen's & Warehousemen's Union in the year 1938. Do you know where such a convention was held?

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: This is an entirely different subject now?

Mr. Gladstein: Yes, it is. And this is preliminary to a different subject. It has nothing to do with Mr. Cannalunga.

Presiding Inspector: I will take it.

A. In Aberdeen, Washington.

By Mr. Gladstein:

Q. Were you present at the convention?

A. No. I made a trip while the convention was on on the first Saturday after the convention started.

Q. Do you know the date on which you made that trip?

Presiding Inspector: Now, just a moment. Have

(Testimony of Roscoe George Craycraft.)

we had anything about the Aberdeen convention?

Mr. Gladstein: No. But we have had something that relates to it and this is preliminary to that subject. We have had testimony from Mr. Wilmot with respect to an alleged occurrence prior to the Aberdeen convention. [4649]

Presiding Inspector: Will you just wait a moment? I want to send for the record.

Does this simply fix a date?

Mr. Gladstein: No. It is to lay the basis for a conversation to bring out matter directly contradictory to the testimony of Mr. Wilmot.

Presiding Inspector: I am waiting just a moment.

Exactly what was the question?

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: I will take it so far merely as fixing the date.

A. It was the first Saturday after the first Monday in April, 1938.

By Mr. Gladstein:

Q. And that enables you to fix it that way, Mr. Craycraft?

A. Our annual convention starts on the first Monday in April.

Q. And you recall that your trip was on the Saturday following that?

A. That is correct.

Q. When you got to the convention did you have

(Testimony of Roscoe George Craycraft.)

a conversation with Harry Bridges on the general subject of Mr. John M. Brost?

A. I did. [4650]

Q. Who else was present at that conversation?

Mr. Myron: I object to this line of inquiry, your Honor.

Presiding Inspector: I haven't any idea of what this is all about.

Mr. Gladstein: Shall I explain it, your Honor?

Presiding Inspector: No, just a moment.

Mr. Del Guercio: If the Court please, this is a conversation apparently had with the Alien who is on trial.

Presiding Inspector: Yes.

Mr. Gladstein: I suppose that means that the conversation is illegal for some reason?

Presiding Inspector: Not competent, and self-serving.

Mr. Gladstein: I beg your pardon?

Presiding Inspector: Not competent, and self-serving.

Mr. Gladstein: Well, you haven't heard the conversation.

Presiding Inspector: No. I suppose that is the objection, I say.

Mr. Gladstein: I haven't heard that stated.

Presiding Inspector: I gleaned that that was the gist of the objection. Maybe I am wrong. I had to guess at it.

The question was exactly what?

(The question referred to was read by the reporter as above recorded.)

(Testimony of Rosco George Craycraft.)

Presiding Inspector: Who else was present? I will take that.

A. Jack Mowery, a Trustee of our Union; myself, Secre- [4651] tary of the Portland Local; and I made this trip up there to see Brother Bridges.

Presiding Inspector: No, no, who was present at this particular conversation that you were asked about? That is all that is before us right now.

A. (Continuing)^o Well, other individuals that came in and out of the room while the conference was going on, and I don't recall their names.

By Mr. Gladstein:

Q. In what room was the conference being held?

A. Hotel Morck, M-o-r-c-k, in Mr. Bridges room.

Mr. Del Guercio: May I have the name of that hotel, Mr. Reporter?

^o The Witness: M-o-r-c-k.

By Mr. Gladstein:

Q. Was Matt Meehan present at that conversation at any time?

A. He might have been in and out of the room because other individuals were, but they didn't participate in this discussion.

Q. Now, what was the purpose of the discussion that you sought with Mr. Bridges?

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: I can't see that it has the slightest relevance. [4652]

Mr. Gladstein: Well, if you don't let him an-

(Testimony of Rosco George Craycraft.)

swer the questions it could never become apparent.

Presiding Inspector: This is a conversation with Mr. Bridges and some people who are not interested in this proceedings.

Mr. Gladstein: I will be glad to explain it. I asked your Honor if you were willing to let me do so.

Presiding Inspector: No. I think you have got to make such a matter clear.

Mr. Gladstein: I will put it directly this way.

Presiding Inspector: Very well.

By Mr. Gladstein:

Q. In that conversation, Mr. Craycraft,—

Presiding Inspector: Don't answer this.

By Mr. Gladstein:

Q. (Continuing) —did Mr. Harry Bridges express himself in your presence and in the presence of any others that you have mentioned at that conversation with respect to the question of removal of John M. Brost as an organizer for the CIO in Oregon?

Mr. Del Guercio: I will object to that.

Presiding Inspector: I will reject it. I will exclude the question; not material to what Mr. Bridges may have said to anyone.

Mr. Grossman: Your Honor, may I recapitulate the testimony of Mr. Wilmot that makes this relevant in case your [4653] Honor may not have it in mind?

Presiding Inspector: Yes.

Mr. Grossman: Mr. Wilmot—and I am stating it from memory, but I think I have it correct in sub-

(Testimony of Rosco George Craycraft.)

stanee—stated that there was a meeting at the Lennox Hotel at which there was a discussion concerning the removal of John Brost from a CIO position in Oregon.

Mr. Wilmot stated that it was made clear before that meeting began and during that meeting that Harry Bridges desired to remove John Brost from that position; that he had this meeting, which Wilmot called a Communist meeting, convened for the purpose of discussing that thing and reaching a conclusion similar to the one that Mr. Bridges already had, that Mr. Brost should be removed; that when this meeting had reached that conclusion then he, Mr. Bridges, had the power and the willingness to cause Mr. Brost to be removed. All right.

Therefore, there is involved necessarily in that at that time, or else Mr. Wilmot's testimony is not correct, the fact that Mr. Bridges first desired that John Brost should be removed and, second, would if this so-called Communist meeting decided to do so definitely follow out their decision to remove Mr. Brost? Therefore, it becomes relevant to show, not just as a statement of Mr. Bridges but as action of Mr. Bridges that shortly after that time—very shortly after it, I think it will appear to be two, three or four days, at least a very short time after that—Mr. Bridges and, as I say, not as words, [4654] but as action, when being confronted with the request by people interested that Mr. Brost be removed, not only refused to do so, but stated his position, which was

(Testimony of Rosco George Craycraft.)

thoroughly inconsistent with what Mr. Brost had testified.

In other words, we are dealing here not only with——

Presiding Inspector: (Interposing) That would be nothing more than what Mr. Bridges can cover by his own testimony, and what he said to someone else I rule as immaterial and, therefore, I reject this question.

Mr. Grossman: Isn't it true, your Honor, that what one says can contribute not only words, but action also?

Presiding Inspector: It may be.

Mr. Grossman: In other words, if a request or demand is made, if that demand is refused, that is not just words but that is action. That is action of Mr. Bridges which is completely inconsistent with his state of mind as Mr. Wilnot testified to it.

Presiding Inspector: I suppose that was only conclusion of Mr. Wilnot as to what Mr. Bridges' state of mind was. I will reject this testimony. We will have no more argument about it.

Mr. Gladstein: May I ask a question, your Honor?

Presiding Inspector: Yes.

Mr. Gladstein: Suppose Mr. Bridges at the convention had publicly and openly expressed himself on the subject of Mr. John Brost in a way completely inconsistent with what Mr. [4655] Wilnot said Mr. Bridges had been just prior to that time, or as

(Testimony of Rosco George Craycraft.)

of the same time; would we not be permitted to prove it by people who heard Mr. Bridges?

Presiding Inspector: Well, I am not going to answer hypothetical questions of that kind.

Mr. Gladstein: Well,——

Presiding Inspector: (Interposing). I exclude this question. Now, go on to something else.

Mr. Gladstein: I wish to make an offer of proof, then.

Presiding Inspector: You have already shown what you want by the argument. What more will the offer add?

By Mr. Gladstein:

Q. Mr. Craycraft, at the time that you spoke to Mr. Bridges in the hotel that you have mentioned did Mr. Bridges take any action in your presence to reject a request for the removal of John M. Brost?

Mr. Del Guercio: I will object to that on the same ground, if your Honor please.

Presiding Inspector: I don't see any materiality to it or relevancy. Therefore I will exclude it.

Mr. Gladstein: By that ruling does your Honor wish to convey the implication to us, as defense counsel, that you regard also as irrelevant the testimony of Mr. Wilmot on this question of the alleged desire of Mr. Bridges to have Mr. Brost removed and the alleged method? [4656]

Presiding Inspector: I can't sufficiently remember the testimony of Mr. Wilmot to answer that question, which I think is improperly put to me.

(Testimony of Rosco George Craycraft.)

Mr. Grossman: Your Honor, may I ask this, then, which will properly raise the question? If it is immaterial whether Mr. Bridges had the state of mind in the beginning of April, 1938 to remove Mr. Brost, if it was agreed to by a Communist meeting; if that is immaterial, because this goes to that same question, I now move to strike all the testimony of Mr. Wilmot dealing with the alleged Lennox Hotel meeting, because this is the same subject matter we are now asking Mr. Craycraft.

Presiding Inspector: You may show anything that occurred at the Lennox meeting. You may show by Mr. Bridges what his intentions were. You can't show by a witness that Mr. Bridges at some different time made some inconsistent statement.

Mr. Grossman: In the first place, it is not a different time. It is the same period of time because it is close by two or three days. Secondly, it is not a statement. It is action. It was stated that Mr. Bridges—

Presiding Inspector: (Interposing) Now, Mr. Grossman, do you understand that the Inspector has the right to rule on the acceptance and exclusion of evidence?

Mr. Grossman: That is right.

Presiding Inspector: Isn't it the duty of counsel to accept the decision and go on to the presentation of evidence?

Mr. Grossman: I am making a new motion now, your Honor, [1657] not dealing with Mr. Craycraft's testimony.

(Testimony of Roscoe George Craycraft.)

Presiding Inspector: I deny that motion. Now go on.

Mr. Gladstein: May we state an offer of proof for the record?

Presiding Inspector: No, because you clearly show what you want to prove.

Mr. Gladstein: Well, your Honor, for our clarification, because the balance of our case involves matters of this kind, would you be good enough to let us know what your position is on this?

Our theory is, your Honor, that if a witness testifies that Mr. Bridges at a certain meeting, which the witness characterizes in his own way, and that the subject for discussion was "X" and Mr. Bridges' position was pro-X, are we not permitted to show that actually in fact through witnesses that we can produce Mr. Bridges' position was not pro-X but was anti-X. Would that not go to the credibility, to the weight to be given to the testimony of the Government's witness who says there was such a meeting and that Mr. Bridges' position was pro-X?

Presiding Inspector: I would say that what Mr. Bridges said at other times does not establish that and isn't pertinent. What Mr. Bridges may testify himself about these matters—

Mr. Gladstein: (Interposing) Well, you must remember, your Honor, that Mr. Wilmot did not claim that Mr. Bridges was present at this meeting. Mr. Wilmot said that he saw Mr. [4658] Bridges first—I am not even sure that he said that, but I think he did. Then there was a meeting later on at

(Testimony of Rosco George Craycraft.)

which he said Mr. Bridges was not present, but at which Mr. Bridges' policy or desires were laid down by someone.

Now, can we not show to go to the very essence of that testimony, which we contend is fabricated—can we not show that Mr. Bridges' position since he couldn't have talked about his position there, when he is not even claimed to be there; that his position on that very same subject at that very same period of time in various places that he was is contrary to the position claimed by the Government's witness?

Presiding Inspector: You are showing something that occurred afterwards.

Mr. Gladstein: It happened afterwards by a few days.

Presiding Inspector: Afterwards by a few days?

Mr. Gladstein: Yes.

Presiding Inspector: I don't see that it has any pertinence to or bearing on what his position was at the time. [4659]

Mr. Grossman: If I may say—

Mr. Myron: (Interposing) With all due courtesy to counsel for the Alien I think the Court has ruled on the admissibility of this evidence and that there should be no further argument. There is no question about its admissibility.

Presiding Inspector: I will conduct these proceedings.

Mr. Grossman: If your Honor please, for the purpose of clarification may I call this to your attention—

(Testimony of Rosco George Craycraft.)

Presiding Inspector: I have this fairly clearly in mind.

Mr. Grossman: I am positive about this: Mr. Wilmot testified concerning this Lennox Hotel meeting. Mr. Wilmot, at various times in his examination, gave several different dates as the time of that meeting; one of those dates was April 1st or 2nd, of 1938; another one of those dates was April 12th of 1938. Now, we may think that one or another of those dates was what he should have intended, perhaps, or something like that; but nevertheless, he testified equally to both dates. He did not correct his other reference and state "I now take it back."

This meeting that Mr. Craycraft is now testifying to took place in between those two dates. In other words, before the meeting at the Lennox Hotel, if the meeting at the Lennox Hotel took place on April 12th.

I wonder if that doesn't change the perspective?

Presiding Inspector: I will have to read the testimony of [4660] Mr. Wilmot, I see, to refresh my recollection.

Mr. Gladstein: Does your Honor wish us to wait on this until you have done so?

Presiding Inspector: Yes. You can go on with something else?

Mr. Gladstein: That is the only other subject matter I desire to cover with Mr. Craycraft.

Presiding Inspector: We will take a short recess. I will look it up. Was that on direct or cross?

Mr. Grossman: I believe you will find different.

(Testimony of Roscoe George Craycraft.)

dates on both. I wish I could shorten the time. You will probably have to read both.

Presiding Inspector: We will take a short recess.

(Whereupon a short recess was taken.)

[4661]

Presiding Inspector: Now, I have read the testimony which is to the effect that at this meeting at the Lennox Hotel, which happened some time not too definitely fixed, that "Jo-jo" or Joe Ring said that it was Mr. Bridges' intention to remove both O'Grady and Brost. But there is nothing to show that that is the fact except that Mr. Bridges said that Jo-jo would give him the line, or something of that kind. But that's entirely un-checked up.

It appears at this meeting that Ring somewhat definitely stated that Mr. Bridges would attend to the matter, and at the meeting the witness Wilmot said that he objected to the removal of Brost, that Brost was his friend, and that he didn't want his place, which had been suggested that he should have, and that at the meeting there was a general vote, or it was the conclusion that this should be done, but it should be done subject to the ratification of Mr. Bridges. *He had independent action.

There is testimony that Mr. Wilmot afterwards saw Mr. Bridges, told Mr. Bridges he didn't want the job and there was no very definite statement by Mr. Bridges at that meeting.

Now, it is pretty shadowy.

Mr. Gladstein: Mr. Wilmot's testimony?

(Testimony of Rosco George Craycraft.)

Presiding Inspector: To show that it was not Mr. Bridges' intention to remove Brost, I don't think it would affect the credibility of Mr. Wilmot to any substantial extent. However, in order that you may have no opportunity to complain on this [4662] point I will let you show what Mr. Bridges said. I think it may corroborate Mr. Wilmot, as a matter of fact.

Do you think it will corroborate Mr. Wilmot?

Presiding Inspector: I think it will to me. I don't know.

Mr. Gladstein: Notwithstanding your Honor's statement we desire to have the facts in there.

Was there a question that I asked which was not permitted? I would like to hear that last question.

Presiding Inspector: I think you will have to go away back.

Mr. Gladstein: I won't ask the reporter to get his notes. I think I can recall it.

By Mr. Gladstein:

Q. Now, referring to this meeting that you had with Mr. Bridges in the hotel in Aberdeen—By the way, what is the name of that hotel?

A. I believe they pronounce it "Morek."

Q. How do you spell it?

A. M-o-r-e-k.

Q. At the Morek Hotel did Mr. Bridges take any action at that meeting with reference to a request to have John M. Brost removed?

(Testimony of Roscoe George Craycraft.)

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: I will sustain the objection in that form. Let us hear what the request was, who it came from.

Mr. Gladstein: All right. I will follow your Honor's [4663] suggestion.

Presiding Inspector: It pre-supposes a lot of things, your question.

Mr. Gladstein: I will follow your Honor's suggestion.

By Mr. Gladstein:

Q. Mr. Craycraft, in your own words, please tell what took place at this meeting that you, Mr. Mowery and Mr. Bridges were present at, with the occasional presence or the intermittent presence of Mr. Matt Meehan, or others whom you do not remember?

Mr. Del Guercio: I will object to the form of the question.

Presiding Inspector: Now, has he given the date of this as closely as he can?

Mr. Gladstein: He gave the exact date, which he said was the Saturday following the first Monday of the month of April, 1938. I think a calendar would fix that.

Presiding Inspector: All right.

Mr. Gladstein: And it is my impression that that date is April 9th, but I am not certain.

Presiding Inspector: Very well. On April 9th or thereabouts.

(Testimony of Rosco George Craycraft.)

A. In March of 1938—

Presiding Inspector: (Interposing) No, you are asked about April. [4664]

By Mr. Gladstein:

Q. Tell us about what was discussed at this meeting, Mr. Craycraft, in Mr. Bridges' room. What did you say?

A. I have to give the reason why I went up there.

Presiding Inspector: No, never mind. We will assume that you are probably there. Go ahead.

By Mr. Gladstein:

Q. You can give your reason by referring to the conversation that actually occurred at that time.

Mr. Del Guercio: Now, if your Honor please, I will object to counsel instructing him as to what he may or may not give.

Presiding Inspector: Oh, that is merely amplifying his question and explaining it. Now, at this meeting—I will ask the question and perhaps it will satisfy—was there some discussion and some decision as to the removal of Brost or O'Grady from their positions or either of them?

The Witness: I requested Bridges as Coast CIO Director that Brother Brost, O'Grady, would be removed from their positions in the State of Oregon and the funds that was expended to maintain the office and their salaries be turned over to the Portland Industrial Union Council; that the Council have full charge of these funds, and if it was

(Testimony of Rosco George Craycraft.)

necessary to send an organizer into any certain area or any certain industry that they be fully responsible for the funds. [4665]

By Mr. Gladstein:

Q. When you say "they" do you mean the Portland Industrial Union Council?

A. Portland Industrial Union Council.

Mr. Del Guercio: I move his entire answer be stricken.

Presiding Inspector: I will let it stand. It is really at my suggestion. Go ahead. That is to explain the situation.

A. (Continuing) Brother Bridges stated to me that he had received——

Presiding Inspector: Was this in public, in the meeting?

A. (Continuing) In the meeting where I made this request.

Brother Bridges stated to me that it would be impossible to carry out my suggestion; that he had already received letters from the National CIO; that he would have to dispense with these officers eventually anyway; second, it would be against the policy of the National CIO to turn this money over to the Industrial Union Council; that it would be more in the matter or in the form of a subsidy for the Council. He also stated that his policy had been, as Coast CIO Director——

Presiding Inspector: We don't care anything about his general policy.

(Testimony of Roseo George Craycraft.)

Mr. Gladstein: That is not general; it goes to Mr. Brost.

Presiding Inspector: We want his attitude toward Mr. Brost.

Mr. Gladstein: He is going to come to that.

[4666]

Presiding Inspector: He had better come to it right now.

A. (Continuing) All right; that as long as Mr. Brost had been appointed, because he was elected as President of the Portland Local, as long as he was elected by a referendum vote, that he would remain in office as long as the office would be maintained; and that had always been his policy and he was going to adhere to that policy of appointing officials in appointive positions who had been elected by the membership.

Presiding Inspector: So he rejected the proposition to remove Mr. Brost and Mr. O'Grady?

The Witness: That is correct.

Presiding Inspector: That is all you need. That is in accordance with Mr. Wilmot's testimony.

Mr. Gladstein: What?

Presiding Inspector: In accordance with Mr. Wilmot's testimony, I suppose.

Mr. Grossman: I don't think it is, your Honor.

Mr. Gladstein: I think it is 100 per cent inconsistent. I can't understand why your Honor says that.

Presiding Inspector: I just read the testimony. I think you haven't it well in mind. It is what

(Testimony of Rosco George Crayercraft.)

he submitted to Mr. Bridges. Matters occurred in this meeting, and a dispute had arisen. They hadn't fully followed this Joe Ring, and it was submitted to Mr. Bridges. This gentleman submitted this to Mr. Bridges and Mr. Bridges rejected it. [4667]

Mr. Grossman: I think you will find that on cross examination—

Presiding Inspector: I read it.

Mr. Grossman: There was something else on cross examination.

Presiding Inspector: There may be.

Mr. Grossman: When I asked the specific questions about this meeting with Mr. Bridges, which he testified to on direct examination, he claimed to have taken place after the Lennox Hotel meeting, then he said he wasn't even sure there had been a meeting with Mr. Bridges. On cross examination, when I tried to get the details, he said: "I am not even sure I discussed this with Mr. Bridges after the meeting." You are stating what he said on direct, but on cross he stated he wasn't sure of such a meeting taking place.

Presiding Inspector: If there wasn't such a meeting between Mr. Bridges and Mr. Wilnot, this was the presentation of the matter, or one of the presentations to Mr. Bridges, and Mr. Bridges rejected the suggestion of this witness.

Mr. Gladstein: Does your Honor have in mind the testimony of Mr. Wilnot where he says that it was Bridges' purpose to have Brost removed

(Testimony of Rosco George Craycraft.)

and Bridges wanted this Communist meeting to O.K. that?

Presiding Inspector: Where did he get that idea?—From Mr. Ring. [4668]

Mr. Gladstein: It doesn't make any difference.

Presiding Inspector: It isn't any evidence he got it from anything except what Mr. Ring said, except that Mr. Bridges said that Mr. Ring would give them the line.

Mr. Gladstein: There is something else too. Wilmot said at this meeting the discussion was to the effect that Brost was to be removed and that Wilmot was to be put in his place, and we are showing the facts are exactly the contrary; that that was never Bridges' position.

Presiding Inspector: Wilmot never claimed he was put in his place. I say, Mr. Wilmot was never put in his place and doesn't so claim. He said he didn't want to be put there.

Mr. Gladstein: He said there was a decision that he was to be put in the place.

Presiding Inspector: Of the Fraction—we have to take this up when the matter is considered. I have allowed you to put this in. I say it might corroborate Mr. Wilmot. You took the risk of that. Perhaps it doesn't and perhaps it does. That is a matter to determine. I think it is of very doubtful materiality still.

Go ahead.

By Mr. Gladstein:

Q. Who was the ranking official in the State

(Testimony of Rosco George Craycraft.)

of Oregon in the longshore unions at the time that you had this discussion with Mr. Bridges? [4669]

Mr. Del Guercio: I object to the question as being immaterial.

Presiding Inspector: What discussion?

Mr. Gladstein: The discussion in the Morek Hotel.

Presiding Inspector: It doesn't make any difference what you call it, whatever happened at the Morek Hotel; that is all right.

Mr. Gladstein: I am asking now for identification as to who was the ranking or top official among the longshore unions in the State of Oregon.

A. I was the Secretary of the Local in Portland.

Mr. Gladstein: You may cross examine.

Cross Examination

By Mr. Del Guercio:

Q. You testified you first met Cannalunga in the 1936-1937 strike, is that right?

A. That is correct.

Q. How often did you meet Cannalunga during the 1936-1937 strike?

A. In the Strike Committee meetings.

Q. How many times?

A. Well, I can't give you the exact number. Some days we would hold Strike Committee meetings once a day, and some days two or three times, and sometimes we would skip a day.

Q. How many times would you meet him?

A. The minutes, or record, would show it. [4670]

(Testimony of Rosco George Craycraft.)

Q. Don't you know?

Mr. Gladstein: I object to the question as argumentative. The witness hasn't been given an opportunity to finish his explanation as to how many meetings there could have been.

Mr. Del Guercio: I didn't ask him how many meetings there were. I asked him how many times he had met Cannalonga. The witness should know that. He said he didn't know.

Mr. Gladstein: I move that that be stricken as a misstatement of the evidence.

Presiding Inspector: I will let the evidence stand as it is.

By Mr. Del Guercio:

Q. How many times did you see Cannalonga after the 1936-1937 strike up to the time you state you saw him on April 30?

A. I never seen him.

Q. Did you correspond with Mr. Cannalonga during that period of time from the 1936 strike to the time you saw him on April 30, 1941?

A. No.

Q. Was he ever a member of your union?

A. No.

Q. Were you an officer of the union during the 1936-1937 strike?

A. I was Chairman of the relief Committee.

Q. Is that an office? A. Yes. [4671]

Q. A paid office? A. Not a paid office.

Q. Were you a paid officer of your union during the 1936-1937 strike?

(Testimony of Rosco George Craycraft.)

A. No; we had no paid officers during the strike period.

Q. Who was the President of the Union at that time, of your local?

A. I wouldn't say positively at that time, but I believe it was Bob Smith.

Q. Was he a paid officer?

A. No one is paid during strikes.

Q. Were you a paid officer at any time after the 1936 strike?

A. I went in as Secretary of the Local Union in March 1937.

Q. That is the first time you had a paid position?

A. That is the first paid position I held.

Q. What is the local number of your union?

A. At that time it was Local 38-78 of the ILA.

Q. You say you were on the Strike Committee during the 1936 strike. Let me have the names of some, or all the members of the Strike Committee?

A. It would be impossible for me to remember all the names.

Q. Give me as many as you can? [4672]

A. Charles Peabody.

Q. Charles Peabody. Is this the Strike Committee of your own union, or the Joint Strike Committee, if there was a Joint Strike Committee?

A. Well, we had our own Strike Committee of the Local Union, and then we had a Strike Committee of all the unions.

(Testimony of Rosco George Craycraft.)

Q. Were you a member of both?

A. I was a member of both committees.

Q. Let me have the names of those that you can recall on the Strike Committee of your Local Union first.

A. Henry Luch—L-u-c-h. It is going to be almost impossible to answer that because I have—

Presiding Inspector: Do the best you can.

A. (Continuing) I have been a member of the Executive Board all the time, and of the Strike Committee, and I believe it would be a confusing question, or answer. [4673]

By Mr. Del Guercio:

Q. Would be a confusing question to whom?

A. Yes. I might name men that had been members of the Executive Board either prior to that time or right after that time. I believe if you want that question answered what you should get is the roll call of the strike committee.

Q. You mean that your answer is that you don't know who the members of the strike committee were of your Local Union?

Mr. Gladstein: Just a moment! I object to that as argumentative, improper question.

Presiding Inspector: I will let the witness tell the names as far as he can. Of course, he has explained that he may make mistakes.

Give them as well as you can.

A. Well, Johnny Beaton, Frank Brost, John Brost—

(Testimony of Rosco George Craycraft.)

By Mr. Del Guercio:

Q. (Interposing) Wait a minute! John Brost?

A. John Brost.

Q. Charles Peabody also?

A. Charles Peabody. Frank Brost.

Presiding Inspector: Beaton, did you say?

The Witness: Beaton.

Presiding Inspector: Did you get Beaton, too?

By Mr. Del Guercio:

Q. How do you spell that?

A. B-e-a-t-o-n. [4674]

Q. Do you know his first name?

A. John. Bruce Borden.

Q. I didn't get that.

A. Bordon; B-o-r-d-e-n.

Q. And his first name?

A. Brude. Have you got Frank Brost? Have you got Frank Brost?

Q. Yes. A. M. Norbeck, Frank Leedy.

Q. Frank who?

A. Leedy, L-e-e-d-y. Fred Games.

Q. Will you spell that last name?

A. G-a-m-e-s. Well, I wouldn't say definitely on the rest right now, I may recall some.

Q. That is all that you can recall at this time. How many members were there on the committee, strike committee of your local union?

A. It varies at different times. Sometimes the committee would be larger some weeks. It varies, but we generally start in with around twenty-five.

Q. Start in with about twenty-five?

(Testimony of Rosco George Craycraft.)

A. Which is our normal Executive Board.

Q. On what strike committee was Cannalunga?

A. On the Marine Firemen.

Q. Marine Firemen's? A. Yes. [4675]

Q. Now, can you give me the names of any other members of the Marine Firemen's Strike Committee during that time?

A. No, I couldn't.

Q. Not a single one?

A. Not a single one, because Cannalunga done most of the speaking for the Marine Firemen.

Q. Now, was there also a Joint Strike Committee? A. There was.

Q. Hub? A. There was.

Q. Now, you served on the Joint Strike Committee?

A. I was very inactive on the Joint Strike Committee because the Joint Strike Committee met in the day time and I had complete charge of the commissary and the relief. So my duties on the Joint Strike Committee was very nil.

Q. How many meetings of the Joint Strike Committee would you say that you attended?

A. My meetings of mostly with the Joint Strike Committee would be to go in the morning and make my report on the activities, expenditures and so on and what was going on, and then go about my regular duties as Chairman of the Relief Committee.

Q. How many times did you do that?

A. Oh, in the normal course of the strike I should say around 40 or 50 times.

(Testimony of Rosco George Craycraft.)

Q. And did you ever see Cannalonga during those 40 or [4670] 50 times that you did those things? A. Yes.

Q. How many times?

A. Well, I couldn't say upon how many times.

Q. About?

A. Well, I would be safe in saying 20.

Q. Did you know Cannalonga well at that time?

A. Yes, because he was fighting like the devil to protect the firemen.

Q. What?

A. He was fighting to protect the firemen, the relief, to keep up the soup kitchen and so on.

Q. Now, what are the names of some of the other members?

Presiding Inspector: Of what?

Mr. Del Guercio: Of this Joint Strike Committee.

A. Well, I wouldn't say to be positive.

By Mr. Del Guercio:

Q. What?

A. I wouldn't say to be positive.

Q. Cannalonga is the only one you remember?

A. Oh, I can remember several more, all right.

But—

Q. (Interposing) I will give you all the time you want to remember.

Mr. Gladstein: I move that that be stricken as not a question.

Presiding Inspector: Yes. I don't suppose that is. [4677]

(Testimony of Rosco George Craycraft.)

Mr. Gladstein: I am wondering about the materiality of this, your Honor.

Presiding Inspector: I don't see it.

Mr. Gladstein: Well, I will object to it.

Presiding Inspector: I will let him answer, but I don't see the materiality.

The Witness: In answering a question like that—

Presiding Inspector: (Interposing) Well, do the best you can.

The Witness: (Continuing) —I would rather have the records of the Strike Committee and go over it, because I don't want to involve anybody.

Presiding Inspector: Do the best you can. You won't involve anybody.

Mr. Del Guercio: The materiality of this, if your Honor please, is that I doubt that this witness saw Mr. Cannalunga during that period of time.

Mr. Gladstein: I move that that be stricken as an improper statement and hardly becoming someone who purports to be a counsel in a case.

Mr. Del Guercio: Well, now, what do you purport to be?

Presiding Inspector: Now, both of you!

Mr. Del Guercio: Now, if your Honor please.

Presiding Inspector: (Interposing) You may address the Inspector if you are going to quarrel. I don't see any point in these constant interchanges of recriminations. [4678]

(Testimony of Roscoe George Craycraft.)

Let the witness answer as best he can.

The Witness: I believe I answered this last question.

Presiding Inspector: Ask the next question. He says he has answered it.

By Mr. Del Guercio:

Q. Did you know Cannalunga before the 1936-37 strike? A. No, sir.

Q. Had you ever met him?

A. Not to my knowledge.

Q. Anywhere? A. Not to my knowledge.

Q. At any time?

A. I might have seen him on the ship, but I don't recall him.

Q. Have you ever sailed on a ship?

A. I never have.

Q. Now, you said that sometime in April you were down here in San Francisco, is that correct?

A. That is correct.

A. And you live in Portland?

A. That is correct.

Q. And when were you down in San Francisco in April?

A. It was on my way back from the ILWU convention at Los Angeles.

Q. When did that convention occur?

A. It started on Monday the 7th. [4679]

Q. When did you leave?

A. I left Los Angeles on Wednesday of the next week.

(Testimony of Roseb George Craycraft.)

Q. By what mode of transportation?

A. Pardon?

Q. By what mode of transportation?

A. Car; automobile.

Q. Your own car? A. No.

Q. Whose car?

A. Dewey Van Brunt of Longview.

Q. Who? A. Dewey Van Brunt.

Q. And what was your destination at that time?

A. Portland.

Q. Did you go to Portland?

A. No. We stopped over in 'Frisco.

Q. And when did you arrive in San Francisco?

A. Well, it was on Wednesday. I believe it was the 16th of the month.

Q. The 16th of April?

A. If I had a calendar I could be sure of the date.

Q. How long did you remain in San Francisco?

A. Thursday and Friday.

Q. Two days? [4680] A. Two days.

Q. Did you see Harry Bridges on those two days? A. On Friday evening.

Q. Friday evening. Where did you stay? Where did you stay? A. Lincoln Hotel.

Q. What hotel? A. Lincoln.

Q. Both days? A. Yes, sir.

Q. Did you register in your own name?

A. Yes, sir.

Q. You saw Bridges in Los Angeles, did you not? A. Yes, sir.

(Testimony of Rosco George Craycraft.)

Q. At the convention? A. Yes, sir.

Q. Did you see him every day down there?

A. Yes, sir.

Q. And you say you saw Bridges again Friday in San Francisco?

A. Yes, sir.

Q. Where? A. In his office.

Q. Who else was there?

A. Jack Price, Vice-President of the International [4681] Longshoremen.

Q. What? A. Jack Price.

Q. P-r-i-c-e? A. P-r-i-c-e.

Q. Anyone else?

A. Not that I can recall.

Q. How long did you remain in Bridges' office at that time?

A. Oh, I judge about 20 minutes.

Q. Did you see Bridges again at any other time during your stay in San Francisco?

A. None that I can recall.

Q. Where did you stay in Los Angeles during the time of the convention?

A. I don't remember the name of the hotel, but it is just where Avalon Street runs,—well, I can't even recall the name of that street.

Q. Did you stay at more than one hotel?

A. Just the one.

Q. You say it is on Avalon?

A. Well, it's right near—I believe Avalon runs into San Pedro, it seems like. It's on that corner.

Q. Is that the same hotel that Bridges stopped at?

A. I don't know where he stopped.

(Testimony of Rosco George Craycraft.)

Q. Are you married? [4682] A. Wife.

Q. Was your wife with you in Los Angeles and in San Francisco? A. Yes, sir.

Q. Now, you say the first time you saw Cannalonga was on April 30, 1941, after this 1936-'37 strike? A. That is right.

Q. And you saw him where?

A. On the West Cussetta at Irving dock.

Q. And who went with you?

A. I drove my own car down, but a man by the name of Rodman took me down or directed me to the ship.

Q. Who is Rodman?

A. Secretary of the Bridges Defense Committee in Portland.

Q. Are you on the Bridges Defense Committee also? A. No, sir.

Q. Did you tell Rodman what you were going down there for? A. Yes, I did.

Q. Did Rodman go with you on the ship?

A. He went on the ship to show me where Cannalonga's room was and then he immediately left and went ashore.

Q. Did he see Cannalonga? Did Rodman see Cannalonga? A. Yes.

Q. Rodman didn't remain there during your conversation [4683] with him?

A. Cannalonga wasn't in his room, so we had to go up forward to look for him.

Q. Both you and Rodman?

(Testimony of Roscoe George Craycraft.)

A. I went up—I went on up forward to speak to some of the longshoremen on the ship. Rodman stood on the 'midships deck. Cannalonga come by and he come up to the forward end and yelled at me, and then I came on down.

Q. And then Rodman went away?

A. Rodman went ashore.

Q. Immediately? A. Immediately.

Q. After you had located Cannalonga?

A. That is correct.

Q. Where did you locate Cannalonga on the ship?

A. Just as you crawl up from No. 2 hatch up on 'midships deck.

Q. Was anyone with Cannalonga at the time?

A. No.

Q. What did you do then?

A. We went on into his room.

Q. Who suggested that you go into his room?

A. Cannalonga. He led the way.

Q. You went with him? A. Yes, sir.

Q. And you say you had a few drinks? [4681]

A. Oh, I wouldn't say "a few". It was only one.

Q. Not more than one? A. Pardon?

Q. More than one drink? A. Only one.

Q. Only one? A. Yes.

Q. Who offered to have a drink, you or Cannalonga? A. Cannalonga.

Q. Did he have a bottle?

A. He had a bottle.

(Testimony of Roseo George Craycraft.)

Q. How many drinks did Cannalonga have?

A. Cannalonga didn't have a drink. He said he was busy working on the winches.

Q. Is that the only time you saw him on April 30, 1941?

A. No, I went on over to the Union meeting and then I came back that night and seen him again.

Q. What time did you go on the ship before the meeting? What time was it?

A. Oh, I would judge it would be around 6:30.

Q. Did Rodman have to go back to the meeting, too?

A. No. This is a regular longshore meeting. He couldn't attend that.

Q. How long were you with Cannalonga the first time before the meeting?

A. Oh, just a few minutes. I wouldn't say over eight [4685] or ten minutes; around there.

Q. Now, I believe you testified Cannalonga was glad to see you?

A. He was.

Q. And you hadn't seen him since 1936?

A. No. He impressed me that the man had something on his mind and he wanted to get it off.

Q. Wanted to get it off to you?

A. Well, I have an idea I substituted for any worker knowing him up there during the 1936-'37 strike. He would have been glad to talk to any of them.

Q. How much do you weigh?

A. How much do I weigh?

Q. Yes. A. About 203 pounds.

(Testimony of Rosco George Craycraft.)

Q. Are you known as the "strong arm man" of your Union?

A. We have no "strong arm men" in our Union.

Q. Do you have a beef squad? A. No, sir.

Q. You have never been on a "beef squad"?

A. No, sir.

Q. Have you ever been in a fight?

A. No, sir.

Q. Never? [4686]

A. No, sir.

Q. Have you ever been on what is called the "goon squad"? A. No, sir.

Q. Are you a private detective?

A. No, sir.

Q. Have you ever been a private detective?

A. No, sir.

Q. Have you ever been employed as one?

A. No, sir.

Q. Did Rodman say he knew Cannalonga?

A. I don't recall him ever making a statement whether he knew him or whether he didn't.

Q. Do you know if Rodman knew Cannalonga?

A. I don't know.

Q. You said he took you down to the ship?

A. That is correct.

Q. Did Rodman say he knew where Cannalonga was at that time?

A. That is right. He came up to my house while I was eating dinner and said that Cannalonga was down on the West Cussetta and that he had talked to him that afternoon and he mentioned about if

(Testimony of Rosco George Craycraft.)

he would like to have a talk with Craycraft, and Cannalunga said "Yes". So he said "I'll go out and see if he is out home and I will bring him down to the ship."

Q. Oh, then Rodman had first seen Cannalunga on April 30th? [4687] A. Correct.

Q. In the afternoon. And Rodman had made the arrangements for you to see Cannalunga that evening? A. That is correct.

Q. Is that right? Did Rodman tell you what Cannalunga told him?

A. He never had any conversation with Cannalunga whatsoever, according to what he told me, outside of asking Cannalunga if he wanted to have a talk with me.

Q. Well, when did you—did you have any conversations at all with Rodman prior to April 30th?

A. No, sir.

Q. When did you see him on April 30th, Rodman?

A. About 5:30 in the evening when he came out to my house.

Q. 5:30 in the evening. And you had never seen him before April 30th?

A. I haven't seen him since I got back from San Francisco, as I can recall, up until April 30th.

Q. And then you saw him on April 30th, you say, about 5:30 P.M.? A. That is correct.

Q. Now, you say you went back to the ship that evening after the meeting, after your Union meeting? A. That is right.

(Testimony of Rosco George Craycraft.)

Q. And was there a meeting of your Union?

[4688]

A. No, there wasn't a quorum present, so the meeting adjourned for lack of quorum.

Q. Who was the Chairman, if there was any? What kind of a meeting was it to be?

A. Union meeting.

Q. Well,—

A. (Interposing): A regular Union membership meeting.

Q. Membership meeting?

A. In the Harmony Hall in Portland.

Q. Where? A. Harmony Hall.

Q. Was it to be a regular meeting?

A. Special meeting called for reports of delegates to the convention.

Q. Special meeting. And who called the special meeting?

A. The membership at the regular meeting—at the regular membership meeting the Wednesday night previous.

Q. And what was the purpose of the special meeting?

A. To hear the report of the delegates to the INWU convention.

Q. Who was the delegate to the ILWU convention? A. Hugh Adams.

Q. Was Hugh Adams there the night of this meeting?

A. I don't think he showed up. [4689]

Q. How many showed up?

A. Of the delegates?

(Testimony of Rosco George Craycraft.)

Q. Of the membership of the Union.

A. I don't believe over 25 showed up at any one time.

Q. Let me have the names of some of these.

A. Of the delegates?

Q. No, the 25 that showed up.

A. Well, the Secretary of the Union.

Q. What is his name?

A. M. J. Eddy. The business agent of the Union.

Q. The what?

A. The business agent, Willie O'Keefe. The President of the Union, Ernie Baker. I don't think it is necessary to name the membership.

Q. Why not?

A. Well, I am not going to name the membership. I named the officials. You can check on that.

Q. What objection do you have to naming the membership of your union?

A. Well, I'm not going to name the membership. I named you the officials and I told you that there wasn't over 20 or 25 showed up.

Q. Let me have some of the names of the membership of your Union that showed up at that meeting.

Mr. Gladstein: I will object to that as immaterial [4690] and more—

Presiding Inspector (Interposing): I don't see how it is material.

Mr. Del Guercio: There is a question here as to whether this man even went to such a meeting.

Presiding Inspector: He has given enough to find out.

(Testimony of Rosco George Craycraft.)

Mr. Del. Guercio: What objection, if the Court please, would there be to giving the names of the membership of a bona fide Union?

Mr. Gladstein: In the first place, the Union has a membership of about 1200, I think, your Honor.

Mr. Del Guercio: And only 25 showed up?

Mr. Gladstein: Yes. Why don't you ask him why only 25 showed up?

Mr. Myron: He is asking the questions, not you.

Presiding Inspector: If Mr. Craycraft can give the names of the people who were there, I think perhaps you have a right to have them. It seems to me that it is unnecessary.

The Witness: I gave him the names of the three titled officers of our Union.

Presiding Inspector: I know. He wants to know who the others were that were there, if you can remember them.

The Witness: I don't recall any names.

By Mr. Del Guercio:

Q. You don't recall a single one?

A. That is right. [4691]

Q. You can't name a single member of the Union that was there at that meeting?

A. I don't recall a one.

Q. And you are the what? What position do you hold in the Union, in the Local?

A. In the Local?

Q. Yes.

A. I hold no position in the Local.

(Testimony of Rosco George Craycraft.)

Q. What took place at the meeting?

A. Nothing. There was no quorum. There was no meeting. They waited about an hour and adjourned.

Q. Did anybody get up and speak?

A. No.

Q. Did you? A. No. [4692]

Q. Did anyone preside?

A. It takes 300 for a quorum to hold a membership meeting in our organization, and after a delay of about an hour the Chairman just adjourned the meeting for lack of a quorum. There was no discussion, or no motion, or no speeches or talking on the floor.

Q. Did you remain there for an hour?

A. I remained until after it adjourned.

Q. To when?

A. I remained until after the meeting adjourned.

Q. Well, did the meeting adjourn?

A. They called it to order and adjourned for lack of a quorum.

Q. Who called it to order?

A. The Chairman.

Q. Who was that? A. Ernie Baker.

Q. What time did the meeting adjourn?

A. I couldn't make it specific, but some time shortly after 8:00 o'clock. The minutes of the book would show it.

Q. Did you talk with anybody at the meeting?

A. I have an idea I talked to quite a few of the members standing around.

(Testimony of Rosco George Craycraft.)

Q. Let me have the names of some of those you talked to?

A. I don't recall any of the names. [4693]

Q. You don't recall the name of a single person you talked to during that meeting?

A. No. I talked to the officials considerable of the time.

Q. With whom of the officials?

A. Pardon?

Q. With whom of the officials did you talk during the meeting? A. The Secretary.

Q. That is M. J. Eddie? A. Yes.

Q. Who else—Willie O'Keefe? A. Yes.

Q. Did you talk to Ernie Baker? A. Yes.

Q. During the meeting?

A. There was no meeting.

Q. Or during the time of that alleged meeting?

A. While waiting for a quorum; yes.

Q. And you refuse to give the name of any of the membership of your union with whom you talked at that time? A. I don't recall their names.

Q. Were they members of the Communist Party that you talked to? A. I couldn't say to that.

Q. And where did you go after the meeting was adjourned? [4694]

A. I went back down to the West Cussetta.

Q. Did you leave the meeting with anyone?

A. I went back down to the West Cussetta alone.

Q. How did you go down from this Union hall to the West Cussetta?

(Testimony of Roseo George Craycraft.)

A. Across Broadway at about—

Presiding Inspector: I think he means whether you went on foot or—

A. In my car.

Presiding Inspector: In your car.

By Mr. Del Guercio:

Q. What kind of a car?

A. Pontiac, 1933 model.

Q. Registered in your name? A. Yes, sir.

Q. What is the license number? Do you have an operator's license with you? A. Yes, sir.

Q. Does it show on there?

A. No, it don't show in Oregon.

Q. Do you know what it is?

A. No, I couldn't say.

Q. It is an Oregon license?

A. An Oregon license.

Q. What kind of a car—is it a sedan?

A. Coach, Pontiac 1933 Coach. [4695]

Q. When you went—was anybody in the car with you when you went to the West Cussetta?

A. No.

Q. Did you pick up anybody on the way?

A. No.

Q. Did you talk to anybody on the way?

A. No.

Q. Not a single person?

A. No—well, yes, I did—going from my car over to the ship?

Presiding Inspector: He was asking about while you were in the car.

A. No, no.

(Testimony of Roscoe George Craycraft.)

By Mr. Del Guercio:

Q. Did you talk to anybody while in the car?

Presiding Inspector: He said twice he didn't talk to anybody while he was in the car.

By Mr. Del Guercio:

Q. And where did you park your car when you arrived at the ship?

A. Right in front of the walk going by the Irving Dock.

Presiding Inspector: Your next question.

By Mr. Del Guercio:

Q. Did you meet anyone there?

A. Well, they had just brought a load out of the hold just previous to the time I was going aboard ship, and they [4696] broke in the side of the building, and a couple of officials of the steamship company were there, one a member of the Labor Relations Committee of the Waterfront Employers, and they thought I had come down on this dispute and wanted to know what I was going to do about it to have the Union pay for it. That was the only thing I talked about, or the only ones I talked to.

Q. What were their names?

A. Morris, a member of the Labor Relations Committee of the Employers' Committee in Portland.

Q. You went on the ship?

A. Then I went aboard ship.

Q. Did anyone accompany you aboard ship?

A. What?

(Testimony of Rosco George Craycraft.)

Q. Did anyone accompany you aboard ship?

Presiding Inspector: Did anyone go with you when you boarded the ship?

A. No.

By Mr. Del Guercio:

Q. Where did you go?

A. I went to Mr. Cannalonga's room.

Q. Directly? A. Directly.

Q. Did you see anybody from the time you boarded the ship to the time you went into Mr. Cannalonga's room?

A. I believe about four or five gangs were working on the ship. [4697]

Q. Did you stop to talk to any of them?

A. No.

Q. Did you ask for permission to go aboard ship? A. No. I just walked aboard.

Q. Do they have a watchman there?

A. If they did I didn't see him.

Q. And was Cannalonga there in his room?

A. Yes.

Q. You say "room." What kind of a room was it?

A. The electrician has a private stateroom. He don't have to bunk like the sailors or the firemen.

Q. Was there anyone with Cannalonga when you went in his room?

A. There were some shipmates that were sitting in there listening to his radio.

Q. Do you know their names?

A. No, sir.

Q. How many were there?

(Testimony of Rosco George Cragcraft.)

A. I believe there were two when I first came in, two or three, and a couple left, and one sat there, or the other way around. There were two or three involved. One was sitting there reading a magazine all the time and never moved.

Q. Did you have any conversation with Cannalonga while the shipmates were in there?

A. No.

Q. Were the shipmates asked to go out? [4698]

A. No, sir.

Q. What? A. No, sir.

Q. Did they remain in there?

A. They remained in there. Cannalonga and I went back to his little workshop, between No. 4 and No. 5 hatch, on the afterdeck.

Q. How long after you arrived there?

A. Just a few minutes.

Q. Did you ask him to step out?

A. He made the suggestion himself.

Q. And you followed him?

A. Yes, sir; he led the way.

Q. And both of you went to No. 5 hatch, you say?

A. Between No. 4 and No. 5; there is a little tool room there.

Q. That is on the deck?

A. That is on the deck.

Q. Was there anybody else on deck?

A. Well, just the gangs working.

Q. Was there anyone within hearing on the deck? A. No.

(Testimony of Rosco George Craycraft.)

Q. Who chose that spot?

A. Mr. Cannalonga.

Q. And you then had a conversation with Cannalonga? [4699]

A. Yes, sir.

Q. Were you seated or standing up?

A. Cannalonga sat down on the work bench and I just stood up.

Q. Did anyone hear what conversation you had?

Presiding Inspector: He said there was no one in earshot, I think.

Do you want to ask that over again?

Mr. Del Guercio: No. I will withdraw it.

By Mr. Del Guercio:

Q. How long did you talk with Cannalonga on that occasion?

A. I judge about 20 minutes, around that.

Q. How many questions would you say you asked him during those 20 minutes?

A. I didn't get a chance to ask him any questions. It seems like he was too willing to talk.

Q. This first time, going back to the first time you met him, did you speak about the old times you had together, you and Cannalonga?

A. No. About the only conversation I can recall at that time was, "Well, where have you been ever since the 1936-1937" —

Q. (Interposing): I am asking you if you had a conversation about old times, you and Cannalonga, together?

A. (Shaking head negatively.) [4700]

(Testimony of Rosco George Craycraft.)

Presiding Inspector: Show a negative answer.

By Mr. Del Guercio:

Q. When did you next see Cannalonga?

A. A little louder.

Q. What?

Presiding Inspector: He didn't hear you.

By Mr. Del Guercio:

Q. When did you next see Cannalonga?

A. Friday night, the following Friday.

Q. Had you made any arrangements with Cannalonga to see him again?

A. On Wednesday night I had mentioned to Cannalonga about going to Seattle the next day to report to the Seattle Local Membership meeting on Thursday night; so Cannalonga requested that I go in and see Dr. Buckner, in Seattle.

Q. To see who?

A. Dr. Buckner, in Seattle, and he would substantiate the statement that he had just made previously to me.

Q. Now, with reference to Dr. Buckner—

A. (Interposing): I haven't finished. And on my return from Seattle he was coming out to my house the next Monday or Tuesday night and he was going to give me the full story of everything that happened.

Q. As I understand it, he wanted, Cannalonga, at this first conversation you had, the first or second conversation you [4701] had on Wednesday

(Testimony of Roscoe George Craycraft.)

night, wanted you to go to Seattle to see Dr. Buckner?

A. No. I had mentioned prior to leaving that I was going to Seattle, so Cannalunga requested that I stop in and see Dr. Buckner while I was in Seattle and he could tell how he was all doped up in the hospital there.

Q. Did you go up to Seattle? A. Yes, sir.

Q. Did you see Dr. Buckner? A. No, sir.

Q. When did you go up to Seattle?

A. Thursday.

Q. Thursday night. That was April—Thursday after the Wednesday you saw Cannalunga?

A. That is right. That would be on April 31.

Q. And how did you go up to Seattle?

A. Drove with Jack Price.

Q. Drove with Jack Price? A. Yes, sir.

Presiding Inspector: That is what he said.

Mr. Gladstein: Your Honor, I think it is a matter of which you will take Judicial notice, that there isn't any April 31.

The Witness: It was May 1st.

By Mr. Del Guercio: [4702]

Q. When did you arrive in Seattle?

A. Oh, the best I can remember was around 3:00 o'clock in the afternoon.

Q. 3:00 o'clock on Thursday afternoon?

A. On Thursday afternoon.

Q. Was there anyone else in the car besides Jack Price? A. Mr. Price and his wife.

(Testimony of Rosco George Craycraft.)

Q. How long did you remain in Seattle?

A. Until Friday afternoon.

Q. Where did you stay?

A. At the Atwood Hotel.

Q. You registered there in your own name?

A. Yes, sir.

Q. Did you see anyone on Thursday afternoon after your arrival in Seattle?

A. After my arrival in Seattle I went to Matt Meehan's office, Secretary of the International, and discussed some minor union problems with him.

Then I went over to the——

Q. (Interposing): Just a minute, please. Did you discuss with Matt Meehan what Cannalonga had told you?

A. No. I didn't discuss that with Matt. But I wrote a letter to Harry Bridges at that time——

Q. (Interposing): I didn't ask you about that. I asked you if you discussed what Cannalonga told you with Matt Meehan. [4703]

Presiding Inspector: He said "No."

The Witness: I am trying to answer that I showed him the letter after I wrote it.

By Mr. Del Guercio:

Q. Now, where else did you go?

A. I went over to the longshore hall of the local union.

Q. How long did you remain there—how long were you with Matt Meehan?

A. Oh, I judge I was there in his office maybe an hour or an hour and a half.

(Testimony of Rosco George Craycraft.)

Q. How long were you at the longshore hall?

A. Well, I was at the longshore hall, or in that immediate vicinity, approximately an hour.

Q. Did you meet anyone at the longshore hall?

A. I met several of the membership; but not being familiar with them I don't recall their names.

Q. You don't—

A. (Interposing): The Secretary of the Union was busy collecting dues and I didn't get a chance to speak to him. He had quite a line-up there.

Q. Did he see you?

A. Well, I couldn't say for sure whether he did or didn't.

Q. What is the name of the Secretary of the Union? A. Youngberg. [4704]

Q. Then where did you go?

A. I went up to the restaurant to eat.

Q. Was anyone with you? A. Jack Price.

Q. Was Jack Price's wife there also?

A. Yes.

Q. You went to eat?

A. That is right.

Q. Then where did you go?

A. I didn't hear you.

Mr. Del Guercio: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. After finishing eating, which I judge was close to seven o'clock, we went back up to Mee-

(Testimony of Rosco George Craycraft.)

han's office, and from there I went to the regular membership meeting.

Q. How long were you in Meehan's office the second time? A. Just about five minutes.

Q. Was there anyone else in Meehan's office besides you and Jack Price?

A. Matt Meehan, Jack Price and myself.

Q. No one else. You went back to a meeting, you say?

A. A special meeting of the Seattle Local, which was called for the report of the delegates to the convention.

Q. Did you go to Seattle on business of the International [4705] Longshoremen's and Warehousemen's Union? A. That is correct.

Q. At that time did the meeting end?

A. The meeting started at 7:00 o'clock and it was over some time between 11:00 and 11:30—I wouldn't say exactly.

Q. Where did you go from there?

A. Matt Meehan, Price and myself went up the street a couple of blocks, and stopped, and had a bottle of beer and went on home.

Q. The next morning what did you do?

A. The next morning I went over to the Secretary's office, Youngberg, and talked with him a while, with the President of the Local, Mr. Doyle, and went over and visited officials of the Warehouse Local a few minutes; and then I went back to Mr. Meehan's office.

(Testimony of Rosco George Craycraft.)

Q. Did you discuss with Youngberg what Cannalonga had told you?

A. I never discussed Cannalonga with anyone in Seattle.

Q. You say you went home, you started home?

A. To the Atwood Hotel.

Q. To the Atwood Hotel? A. Yes.

Q. Did you make any effort at all—

A. (Interposing): Just a minute, pardon me. Are you referring to the next day or that night?

[4706]

Q. Friday morning.

A. I went back up to Matt Meehan's office.

Q. Did you make any effort to locate Dr. Buckner? A. No.

Q. Did you ask anyone who Dr. Buckner was?

A. No, sir.

Q. Do you know who Dr. Buckner is?

A. No, sir.

Q. Did you promise Cannalonga that you would see Dr. Buckner? A. I did.

Q. When did you return to Portland from Seattle?

A. I left Seattle on a plane that afternoon and came down to Portland about 3:30.

Q. Did you leave your car in Seattle?

A. I didn't have my car. I rode up with Jack Price.

Q. I thought it was your car. You arrived in Portland when? A. 4:30.

Q. 4:30 Friday afternoon?

(Testimony of Roscoe George Craycraft.)

A. Friday afternoon.

Q. Was anyone with you on the plane?

A. Pardon?

Q. Was anyone with you on the plane from Seattle to Portland?

A. No; I came down alone, that is, outside of the passengers that I didn't know. [4707]

Q. Now, I want to get these dates straightened out. You returned to Portland on Friday, you say. That would be May 2?

A. That would be correct.

Q. Did you see Mr. Rodman that day?

A. No, sir.

Q. Did you see Cannalonga that day?

A. I went down to the ship that night about 8:00 o'clock at the Sunset Oil docks and talked to Mr. Cannalonga then.

Q. Now, before you went down to the dock did you see Jack Mowery?

A. No, sir.

Q. That is, "Big Jack" Mowery, isn't it?

A. I never seen him no more.

Q. He is referred to as "Big Jack" Lowry, isn't he?

A. The one I referred to?

Q. Yes.

A. Yes.

Q. How big is he?

A. Oh, he is a little larger than I am.

Q. Heavy set?

A. Yes.

Q. How long have you known Jack Mowery?

A. Well, he used to watch me play football in my high school days.

Q. Oh, you played football? [4708]

(Testimony of Rosco George Craycraft.)

Presiding Inspector: That is what he said.

By Mr. Del Guercio:

Q. Did Jack Mowery play football too?

A. No; he didn't play football.

Q. How long have you known Jack Mowery all together?

A. Well, that would be around 17 or 18 years.

Q. You are good friends?

A. We have been ever since I started longshoring in Portland.

Q. And you have continued to be good friends since?

A. Yes, sir.

Q. You visit his home?

A. I have been there several times.

Q. Does he visit your home?

A. Yes, sir.

Q. How long has Jack Mowery been a member of the Communist Party?

A. I don't know.

Q. Do you know if he is a member of the Communist Party?

A. I don't know.

Q. Has he ever told you?

A. He has never told me.

Q. Have you ever heard that Jack Mowery was a member of the Communist Party?

A. I have heard lots of people make that statement. I have never heard Jack come out and tell me, or he never did ask [4709] me to join the Communist Party, or talk Communism to me.

Q. Is Jack Mowery a member of any union?

A. A member of our union.

Q. A member of your union?

A. Yes, sir.

(Testimony of Rosco George Craycraft.)

Q. And you say—from whom did you hear Jack Mowery was a member of the Communist Party?

A. Oh, I hear those remarks around the hall about every one of us, anyone active in the labor movement.

Q. Did Mowery ever deny he was a member of the Communist Party in your presence?

A. I have heard him deny it, and I have heard him say, "Do you want me to sign you up today?" or something like that.

Q. Now, did anyone go with you to the ship on May 2? A. Yes, sir.

Q. Who? A. Burt Nelson.

Q. Burt who? A. Nelson.

Q. N-e-l-s-o-n—how do you spell it?

A. Spell "Nelson"?

Q. Is it Ellison or Nelson?

A. Nelson; Burt Nelson.

Q. Who is he?

A. He is the organizer put in by the International in charge of the office in the Guardian Building. [4710]

Q. Where did you meet Burt Nelson?

A. I called him from our union office in Seattle at the Union office in Portland and asked him to come out there and meet me in the car.

Q. That was after you got off the airplane?

A. That was before I left Seattle.

Q. Did he meet you in Portland, Burt Nelson?

A. Yes, sir.

(Testimony of Rosco George Craycraft.)

Q. I believe you said you went to the ship immediately after you arrived?

A. We went out to my home first.

Q. Burt Nelson and yourself?

A. Yes. I spent a little time with the wife and children and then went on down to the ship.

Q. Did you invite Burt Nelson to go along with you?

A. I asked him to drive me down there.

Q. Did he go on the ship with you?

A. He went on the ship, but he wasn't with me when I was talking to Cannalonga. He went on back aft to watch them work.

Q. Did Burt Nelson see Cannalonga on the ship?

A. You mean that night?

Q. Yes.

A. Yes. Of course, Cannalonga walked to the gangplank with us. We walked back where Burt was standing on the [4711] afterdeck.

Q. Where did you meet Cannalonga that night?

A. In his room.

Q. In his room? A. In his room.

Q. And you and Nelson went to Cannalonga's room?

A. No, no. Nelson didn't. He went on aft and was standing on the afterdeck watching them load lumber. I spoke to Cannalonga alone.

Q. How long were you in Cannalonga's room?

A. Oh, just a few minutes. The only question I asked him was if he would be willing to talk to the defense attorneys and tell them the same story that

(Testimony of Roseo George Craycraft.)

he had told me the other night, and he said "Yes."

I said, told him, "I will try to get hold of Mr. Gladstein tonight, and if I am able to reach him tonight, then I will come down to the ship tomorrow morning and tell you what time you can meet him."

After that was settled there was no use sticking around so I left. [4712]

Q. You were with him all together, you say, about four or five minutes?

A. Maybe ten minutes all together.

Q. Did you talk about anything else?

A. I don't recall anything specific that time outside of making arrangements to meet Mr. Gladstein.

Q. When did you next see Cannalonga?

A. I didn't understand.

Q. When did you next see Cannalonga?

A. The next morning at 10:00 o'clock. I went down to the Crown Mills.

Q. Who was with you?

A. I was alone when I met him. No one was with me.

Q. Did you go on the ship?

A. I went on the ship, talked to him on the ship, told him that Mr. Gladstein would be on the 1:30 plane in the afternoon, and then I would ask him about how I would meet him.

Q. This was on Saturday morning?

A. This was on Saturday morning.

Q. About what time?

(Testimony of Rosco George Craycraft.)

A. That was around ten o'clock in the morning. And he said that the ship was going to shift at noon down to Terminal No. 1, so he didn't know whether the FBI would be watching him there or not, and he said he thought it would be a good idea if he walked off the ship and I picked him up off the street around [4713] a quarter to three.

Q. When you went on the ship did you see anybody who was watching the ship?

A. Not that I could see watching them.

Q. Did you see any FBI men?

A. I wouldn't know one if I seen one.

Q. Did you ask permission all the time you went on the ship?

A. Pardon?

Q. Did you ask for permission to go on the ship at any time?

A. I never have. I have went on and off those ships for years. I have always been admitted freely in Portland.

Q. And how long did you talk to Cannalonga at that time, this Saturday morning?

A. Just a few minutes; just enough to arrange to meet him that afternoon.

Q. What?

A. Just a few minutes; just enough to arrange to meet him that afternoon.

Q. And who suggested the meeting place?

A. Mr. Cannalonga.

Q. And he said what in regard to the meeting place?

(Testimony of Rosco George Craycraft.)

A. He said, instead of me coming aboard ship that he would meet me outside on the dock or on the street front.

Q. On what street, did he say? [4714]

A. Front Street.

Q. Any particular place on Front Street?

A. Terminal No. 1.

Q. What? A. Terminal No. 1.

Q. And I believe you stated that he set the hour?

A. A quarter to three.

Q. And is that the next time you met Cannalonga?

A. I went back. I got there a little bit early, about, I guess, around twenty-three, twenty-five minutes to three, and Cannalonga was out on the street then waiting for me then.

Q. Was anyone with you at that time?

A. I was alone.

Q. Huh? A. I was alone.

Q. Where did you go with Cannalonga?

A. We went up to the Clyde Hotel. There is a restaurant next door to the Clyde Hotel, the Virginia Cafe. We went in and had a cup of coffee to kill time until three o'clock, and then we went up to the room.

Q. At the hotel? A. That's right.

Q. And you arrived at the hotel about what time?

A. Three o'clock, why, we was in Mr. Gladstein's room.

Q. And where in the hotel did you go? Did you go [4715] directly to Mr. Gladstein's room?

(Testimony of Rosco George Craycraft.)

A. Yes, sir.

Q. You knew where it was?

A. I went up in the elevator.

Q. And who was there in Mr. Gladstein's room?

A. Mr. Gladstein.

Q. Anybody else? A. No.

Q. I believe you stated you remained in that room with Mr. Gladstein, yourself and Cannalonga for how long?

A. Around one hour.

Q. You were present all the time?

A. Yes, sir.

Mr. Gladstein: I didn't hear that.

(The question and answer referred to were read by the reporter as above recorded.)

By Mr. Del Guercio:

Q. Did you participate in the questioning of Cannalonga?

A. I introduced Mr. Cannalonga to Mr. Gladstein and briefly outlined what—

Q. (Interposing): Just a moment on that! You introduced Cannalonga to Mr. Gladstein. What did you say when you introduced him?

A. "Mr. Cannalonga, this is Mr. Gladstein."

Q. Did Mr. Gladstein act as though he had never seen [4716] Cannalonga before?

A. Naturally, under the circumstances both of them knew one another.

Q. Why was it necessary for you to introduce them?

A. Well, what do you do when you take anyone to meet anyone else?

(Testimony of Roscoe George Craycraft.)

Q. Did you introduce Gladstein to Cannalunga too?

A. I started to introduce Mr. Gladstein to Mr. Cannalunga. Both of them said "Well, we know one another". But they shook hands just the same.

Q. You didn't know that they had met each other?

A. I knew that they had met in the Court room here.

Q. Now, you say you asked Cannalunga questions that time, at that time, in Mr. Gladstein's room?

Mr. Gladstein: What was the question?

(The question referred to was read by the reporter as above recorded.)

A. I briefly made the statement to Mr. Gladstein to formally open it up what Mr. Cannalunga had told me down on the ship. Mr. Gladstein then stated to Cannalunga—he says, "You give me the story in your own words, right from the beginning". And he said, "Give me all the truth", and he says, "I don't want nothing but the truth and the whole truth". And then Mr. Cannalunga started in giving him the story.

Q. How many questions did you ask Cannalunga?

A. Oh, I might have interjected a question or two, but I [4717] don't recall it.

Q. You don't recall. And did Mr. Gladstein ask any questions?

(Testimony of Rosco George Craycraft.)

A. Mr. Cannalonga started right in from the beginning of when he was in the Firemen's Hall and told the entire thing up to the time that the FBI agents had put him on the train for Seattle, with Mr. Gladstein interposing questions at various times.

Q. And it took Cannalonga—you say, he talked about an hour? A. Yes.

Q. Now, where did you go after this meeting here with Mr. Gladstein in the Clyde Hotel?

A. I took Mr. Cannalonga to Fourth and Oak. I let him out there to do a little shopping.

Q. Was this in your car?

A. In my car. And then I went on down to Third and Couch, and I waited for him at Third and Couch. And then he came on down to Third and Couch. I picked him up there then and took him on back to the ship.

Q. You took him back to the ship?

A. Yes, sir.

Q. In your car? A. Yes, sir.

Q. Was anyone with you? [4718]

A. No, sir.

Q. Did you go on board the ship?

A. No, sir.

Q. What time did you arrive at the ship?

A. Oh, I judge it would be a little after 5:00; around there.

Q. In the evening? A. In the evening.

Q. When did you next see Cannalonga?

(Testimony of Rosco George Craycraft.)

A. The next time he was to call me by phone Sunday morning at Broadway 0718.

Q. What?

A. Broadway 0718. That's on Third and Couch. He was to meet me there.

Q. What telephone number is that?

A. Broadway 0718.

Q. Is that your telephone number?

A. Grocery store.

Q. Grocery store?

A. That's a grocery store on the corner of Third and Couch.

Q. Did you give Cannalonga that telephone?

A. He was to meet me on the corner of Third and Couch the next morning at a quarter to ten. So I gave him the phone number, so if anything happened he could call me there. I had [4719] given him the phone number previous to that time. It was raining so hard the next morning he called me up and told me to come down to the ship and pick him up.

Q. Where did he call you? Broadway 0718?

A. Broadway 0718.

Q. You were there? A. Yes, sir.

Q. In the grocery store? A. Yes, sir.

Q. Do you have a home phone? A. No, sir.

Q. Do you have an office phone?

A. I have no office at the present time.

Q. Did you have at that time? A. No.

Q. You do use the Union office, do you not?

A. I use the Union office for all my work.

(Testimony of Roseo George Craycraft.)

Q. Huh? A. That is the Union.

Q. Do they have a phone there?

A. Beacon 9888.

Q. That isn't the answer. Did Mr. Gladstein tell you that he was going to remain in Portland all night? A. Please?

Q. Did Mr. Gladstein tell you that he was going to remain in Portland all night? [4720]

A. Yes. The night previous I had arranged with Bill Lord, the attorney, to be available.

Q. I am talking about this Saturday. Did Mr. Gladstein tell you that he would be in Portland all Saturday night and Sunday?

A. Yes. I arranged for an attorney to meet with Mr. Gladstein, Mr. Cannalunga and myself the next morning.

Q. Does the Clyde Hotel have a telephone?

A. I should judge they would.

Q. Now, did Mr. Gladstein say that—you say Mr. Gladstein told you that he would remain in Portland that night and Sunday morning?

A. That he would remain?

Q. Yes. A. Yes.

Q. And do you know if he did? A. Yes.

Q. You say that you testified on direct examination that arrangements were made this Saturday night while you and Mr. Cannalunga and Mr. Gladstein were in the room to take a deposition or some kind of a deposition of Cannalunga the next day?

The Witness: Repeat the question again.

(Testimony of Rosco George Craycraft.)

(The question referred to was read by the reporter as above recorded.)

A. That's correct. [4721]

By Mr. Del Guercio:

Q. And when were those arrangements made with regard to the conversation you had with Mr. Gladstein on Saturday night?

Presiding Inspector: Do you mean the time?

Mr. Del Guercio: Yes.

A. Approximately ten o'clock at night I called Bill Lord.

By Mr. Del Guercio:

Q. You what?

Approximately ten o'clock at night I called Mr. William P. Lord, the attorney.

Q. You misunderstood my question. I understood you to say on direct testimony that when Cannalunga was in the room, this hotel room, arrangements had then been made for Cannalunga to return so that he could make a statement. Is that correct?

A. That is correct.

Q. Now, when were those arrangements made?

A. Just prior to the time that Mr. Cannalunga and I left the room.

Q. And what was said with respect to that matter only?

A. Mr. Cannalunga said that he would be willing to make it up to a certain point on the information he gave us, and that was up to the point where it involved the FBI and the Mann Act charges. [4722]

(Testimony of Rosco George Craycraft.)

Q. Was anything said as to when that was to be made, this statement was to be made?

A. The following morning, on Sunday morning. That was when it was to be made.

Q. Who suggested that it be made on Sunday morning?

A. Mr. Cannalunga first suggested that he wanted a night to think it over.

Q. To think what over?

A. Well, to see how far he wanted to go in telling the whole story. So then it was understood that I go ahead and make the arrangements to get ahold of an attorney and a Court Reporter for the following morning.

Q. Well, were any arrangements made to take a statement from Cannalunga that night?

A. No.

Q. Did Mr. Gladstein ask Mr. Cannalunga to make a statement that night?

A. Yes. He asked him to make a statement that night. That was before we left around 4:00 o'clock, and Mr. Cannalunga said he wanted a night to think it over to see how far he would go in telling everything. But there had been no arrangements made for an attorney or a Court Reporter at all. That's on Saturday.

Q. And when did you next see Cannalunga?

A. I picked him up at the ship at 10:00 o'clock on Sunday morning. [4723]

Q. In your car?

A. In my car.

Q. Was anyone with you?

A. No, sir.

(Testimony of Rosco George Craycraft.)

Q. You went on the ship?

A. Yes—no. Well, I think I started on the ship and he met me coming off. I believe I met him right at the gate.

Q. Now, how were you dressed?

A. How *as* I dressed? I had on a pair of pants something the color of this (Indicating); and, oh, a coat something the color that that man is wearing there (Indicating).

Q. Which one?

A. The third one there.

Q. Green?

A. Whatever color that is.

Q. Green coat?

A. That's it.

Q. How long did you remain on the ship that morning?

A. I didn't remain on the ship. We went right on up to Mr. Gladstein's room.

Q. Did you and Mr. Cannalonga get off the ship at the same time, come off the ship at the same time?

A. No, I met him up in front there.

Q. Oh, you met him in front. Was there somebody watching the ship? [4724]

A. I don't know.

Q. You met Cannalonga right in front of the ship?

A. That's it.

Q. And how long had Mr. Cannalonga been waiting for you out at the front?

A. Well, just from the length of time I guess he called me by phone.

Q. Wasn't it raining down there?

A. Yes. That's the reason he called me up, to

(Testimony of Rosco George Craycraft.)

come down and pick him up. It was raining so hard.

Q. He stood out there in the rain waiting for you?

A. I have an idea that he stood under the roofs of the shed. I have an idea.

Q. What?

A. I have an idea that he stood under the roofs of the shed. He wouldn't stand out in the rain.

Q. And you took him where?

A. Up to Mr. Gladstein's room.

Q. Immediately? A. Pardon?

Q. Did you stop anywhere on the way?

A. We stopped in the Virginia Cafe and he had a cup of coffee.

Q. Is that all he had?

A. Well, he had a hunk of ice. I couldn't understand the ice and coffee. [4725]

Q. What did you have? Did you have anything?

A. I don't recall whether I had a cup of coffee or not.

Q. What time did you arrive at the hotel?

A. Right at—

Q. (Interposing) What?

A. Just a few minutes after ten.

Q. That is in the morning?

A. Two or three minutes after.

Q. Who was in Mr. Gladstein's room when you arrived there? A. Just Mr. Gladstein.

Q. No one else? A. No one else.

(Testimony of Rosco George Craycraft.)

Q. How long did you remain in Mr. Gladstein's room at that time?

A. We were in Mr. Gladstein's room approximately an hour and a half.

A. Just the three of us.

Q. And did you go over again the same matters that you went over the day before?

A. That is correct.

Q. Exacting the same?

A. Well, I wouldn't say "exactly the same" because there was this difference:— [4726]

Q. (Interposing) Well, I don't want to go into the substance of the conversation.

A. Well, how can I answer the question then?

Q. Generally, were the same questions asked?

A. After he had thought it over all night he said what he would rather do first was to go to Seattle, and if he had seen these certain parties he would come on down to San Francisco and testify to the entire matter.

Q. And when did he say that in regards to the time that you arrived in Mr. Gladstein's room?

A. Oh, I couldn't say just exactly.

Q. He indicated that he didn't want to say anything unless he first went up to Seattle?

A. No. He was willing to go so far, but that was up to the part where it involved these other things and his contention was that it involved some other people in Seattle. Now, who those people were he never did say, but he went up and he had a talk with those people, and if they were willing

(Testimony of Rosco George Craycraft.)

he would come back to San Francisco and testify to the entire matter all the way through. [4727]

Q. He never gave you the names of those people? A. He never did at no time.

Q. And were any arrangements made at that time in regards to meeting Cannalonga again that day?

A. No. We proceeded then on down to Mr. Lord's office where he went down to make a deposition.

Q. Did Mr. Cannalonga indicate that he was willing to make what you call a deposition?

A. He did; up to the part that it involved the intimidation of the FBI, and he said he wouldn't answer any questions regarding that.

Q. That he wouldn't answer any questions as to whether or not the FBI intimidated him, is that correct?

A. He said, after he went to Seattle and talked to these parties in Seattle, then he would come on to Frisco and testify on that.

Q. But he did say he would not answer any questions as to whether or not the FBI had intimidated him?

A. It was understood when we went down to Mr. Lord's office that he could answer any questions that he wished, any questions put to him by Mr. Gladstein, and it was entirely up to him whether he wanted to answer them or not.

Q. And you remained in Mr. Gladstein's room

(Testimony of Rosco George Craycraft.)

all the time that Mr. Gladstein was talking to Cannalonga? A. Yes, sir.

Q. Where did you go from Mr. Gladstein's room? [4728]

A. From Mr. Gladstein's room I went down to my car and I drove the other two and myself down to Third and Alder to Mr. Lord's office.

Q. And who were there?

A. Mr. Shoemaker and Mr. Lord.

Q. Were they the only people that were in the room at the time that Mr. Cannalonga was there?

A. Mr. Lord's wife came up one time and just asked her husband how long it would be before he could leave.

Q. Where was "Big Jack" Mowery about this time? A. I hadn't seen him.

Q. Didn't see him at all Sunday morning?

A. He don't enter into this.

Q. What? A. He don't enter into this.

Q. Don't enter into what?

A. Into any of these meetings.

Q. And did you participate in the questioning of Mr. Cannalonga while you were in Lord's office?

A. I sat there all the time. I don't recall of even saying anything at any time.

Q. Who asked you to remain?

A. Well, I can't say as anyone did.

Q. Did Mr. Gladstein ask you to remain?

A. No. [4729]

Q. Did he ask you to leave? A. No.

(Testimony of Rosco George Craycraft.)

Q. Did Mr. Cannalunga ask you to stay?

A. No.

Q. Now, how many times did Cannalunga go out of that room?²⁴

A. Twice.

Q. Twice. And you went out with him each time?

A. Cannalunga and I went out to the rest room once; and shortly after that he left the room again.

Q. You went out with him again?

A. And I went out in the hallway and started talking to him, and then I came on back and Mr. Lord stood there and talked to him a few minutes, and he came on back in the room.

Q. You went out every time Cannalunga went out?

A. Yes, sir.

Q. Followed him out?

A. Pardon?

Q. You followed him, didn't you?

A. Yes, sir. I wouldn't say I followed him. I went out jointly with him.

Q. When did you go out to the rest room?

A. Oh, I couldn't say exactly the exact time. I judge—

Q. (Interposing) With regard to the taking of this statement?

A. I judge after we had been there about half an hour. [4730]

Q. Were questions being asked Cannalunga at that time?

A. From the first time we entered the room, until the entire thing was over.

(Testimony of Roscoe George Craycraft.)

Q. Was the reporter taking down all of the questions and answers? A. Yes.

Mr. Del Guercio: May I see that exhibit, please?

(The exhibit referred to was passed to Mr. Del Guercio.)

By Mr. Del Guercio:

Q. How long were you out in the rest room?

A. Oh, I guess not over two minutes.

Q. And you came back into Mr. Lord's office together? A. Yes, sir.

Q. Where was the rest room?

A. Oh, just about the length of this court.

Q. What?

A. About the length of this court down the hall from the office.

Q. And when did Mr. Cannalunga go out of Mr. Lord's office the second time with relation to his being questioned by Mr. Gladstein?

A. Oh, I wouldn't be exact on that, but there were several questions before the termination.

Q. Did Mr. Cannalunga say why he was going out there?

A. No; he never did give any reason. [4731]

Q. Did he ask you to go with him? A. No.

Q. You followed him out?

A. That is right.

Q. What took place outside? Did you mention Mowery's name to him? A. No, sir.

Q. Huh? A. No, sir.

Q. What did you say?

(Testimony of Roscoe George Craycraft.)

A. I told him that as long as he had started I would like to see him go through with it, get it off his chest and be done with it.

Q. Just what words did you use outside there?

A. That is it.

Q. Huh? A. That is it.

Q. Were those your exact words?

A. I wouldn't say exactly; that is exactly what I meant.

Q. Did you ask him why he had gone out of the room? A. No.

Q. What? A. No.

Q. Did you ask him where he was going?

A. No. I didn't even ask him where he was going. He wasn't really going no place. It seems like he was more or less [4732] pondering over in his mind whether to go ahead and answer all the questions.

Q. What did you follow him out for, to help him make up his mind?

A. No; I wouldn't say to help him make up his mind. I did want to see him go ahead and answer all the questions because he had already given the answers to us previous to that.

Q. To "us"—who did he give the answers to?

A. To Mr. Gladstein and myself.

Q. He was talking to both you and Mr. Gladstein?

A. No. That was the previous day, when I said he had already given us the answers.

(Testimony of Rosco George Craycraft.)

Q. Did you follow Cannalonga out immediately or how far behind were you?

A. Well, I would say the first time we went out together.

Q. And the second time?

A. The second time I would say we were together, all right, because when he started out I started out with him.

Q. Where did you stop him?

A. I didn't have to stop him. He took a few steps away from the door, got away from the door, from the earshot of the room inside.

Q. Did he look back? A. No.

Q. Did he know you were there? [4733]

A. Sure; he knew I was there.

Q. Did you have your hands on him?

A. No.

Q. Was the door closed—did you close the door?

A. Well, the door to the outer office, it closes itself. In the inner office, I have an idea that door might have stayed open all the time.

Q. And what was the first thing that was said?

A. I asked him, I said, "Blackie, why don't you come clean with this, and tell all you told us yesterday? Why not answer the questions and straighten this up once and for all?"

Q. What did Cannalonga say?

A. He said, "There is only one thing. I want to go to Seattle first. I don't mind all the first part of the testimony but I would like to make a trip to Seattle first."

(Testimony of Rosco George Craycraft.)

“Well,” I said, “I think that maybe Mr. Gladstein would be willing for that, and let the last part of the questions go unanswered.”

Q. You said maybe Mr. Gladstein would be willing to have him go up to Seattle?

A. Instead of completing it.

Q. What else was said, anything else?

A. That is about all.

Q. And then what happened?

A. Well, Mr. Cannalunga came back in and Mr. Gladstein [4734] started asking questions.

Q. Did he come in first, precede you inside?

A. Well, I wouldn't say whether he preceded me or not; both of us came back walking side by side up the hall. The hall is plenty wide for that.

Q. And you returned together, is that correct?

A. That is right.

Q. And after you returned did Mr. Gladstein ask him questions immediately? A. Yes.

Q. Did you talk with Mr. Gladstein before he started asking Cannalunga questions?

A. Oh; no. Everybody was in the room, Mr. Shoemaker, Mr. Lord.

Q. Did you talk to Mr. Gladstein aside?

A. No.

Q. You are sure of that? A. Positive.

Q. Did you tell Mr. Gladstein what Mr. Cannalunga had said outside to you? A. No, sir.

Q. At no time?

A. I don't recall whether I told him after Mr. Cannalunga left or not. I could have.

(Testimony of Roscoe George Craycraft.)

Q. Was anything done about making arrangements for [4735] Cannalonga to go to Seattle?

A. When Mr. Cannalonga left, him and I discussed it before he got in the elevator. He was going to try to be sure and get a replacement in the morning, and then I would take him on to Seattle.

Q. Did you and Cannalonga go out of that office together?

A. I walked to the elevator with him. I left him at the elevator on the fourth floor.

Q. Was there any question open at the time you followed Mr. Cannalonga down the last time?

Mr. Gladstein: What was the question?

(The question referred to was read by the reporter as above recorded.)

Mr. Gladstein: I don't understand it. Maybe the witness does.

Presiding Inspector: I don't quite understand that.

By Mr. Del Guercio:

Q. Was Mr. Gladstein still asking Cannalonga questions when Cannalonga left the last time?

A. He asked him a question. Mr. Cannalonga didn't say "Yes", "No", or nothing. He just turned around and walked out.

Q. And you followed him out again?

A. So I walked out to the elevator with him.

Q. And did he ask you to go out with him?

A. No, he didn't ask me to. I just walked with him. [4736]

(Testimony of Rosco George Craycraft.)

Q. You walked behind, you mean, don't you?

A. No. I walked alongside of him.

Q. Did you have a hold of him, arm in arm?

A. Well, I did have my arm up around his shoulder.

Q. Oh, you had your arm up around his shoulder?

A. Just put there.

Q. And did you go out the door together—

Presiding Inspector: (Interposing) He said he had his arm around his shoulder.

By Mr. Del Guercio:

Q. Were you behind him when you were going out?

A. I might have been a step behind him when he was going out the door.

Q. Did you have your hands on him when he was going out the door?

A. No, sir. But the boy was feeling pretty blue. After we got out in the hall I just put my hand on his shoulder and I asked him, reverting back to the previous conversation I had with him out in the hall,—I asked him what time he wanted to leave for Seattle tomorrow morning and get it all straightened out. And we stood there at the elevator and talked it over a while and I, well, he said, "I will call you at 7:00 o'clock tonight". I said, "O K." Then he went on down the elevator and I went back inside.

Q. How long were you with him outside before you returned to the office?

A. About four minutes. [4737]

(Testimony of Rosco George Craycraft.)

Q. Not more than four minutes?

A. It could have been five.

Q. Could it have been ten?

A. No, I don't think time went that fast.

Q. Was Jack Mowery outside?

A. No, sir.

Presiding Inspector: I think we will recess at this point until two o'clock.

(Whereupon at 12:40 o'clock P.M., a recess was taken until 2:00 o'clock P.M. of the same day.) [4738]

After Recess

2:00 o'Clock P.M.

Presiding Inspector: All right, Mr. Del Guercio.

ROSCO GEORGE CRAYCRAFT

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Presiding Inspector: Do you want the last question read?

Mr. Del Guercio: Yes.

Presiding Inspector: What was the last question?

The Reporter: I will have to go and get my notes.

Mr. Del Guercio: Never mind; I think I remember where we left off.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: All right.

Cross Examination (Resumed)

By Mr. Del Guercio:

Q. Your last answer was that you had escorted Cannalonga to the elevator, is that correct?

A. No. I hadn't escorted him. I walked to the elevator with him.

Q. And you then returned to the room which Mr. Gladstein was in?

A. Mr. Shoemaker and Mr. Lord; yes.

Q. Did Mr. Gladstein continue asking questions after you returned? A. No, sir. [4739]

Q. Did you tell Mr. Gladstein then and there what you had told Cannalonga and what Cannalonga had told you?

A. When we left the office.

Q. Did you tell him in the office?

A. No. We left the office and went up to Mr. Gladstein's room where he was to pack and get ready to go to Frisco.

Q. Who else went to Mr. Gladstein's room besides yourself? A. Mr. Gladstein and I.

Q. Anyone else? A. No, sir.

Q. Was there anyone in Mr. Gladstein's room when you arrived? A. No, sir.

Q. How long did you remain in Mr. Gladstein's room?

A. Just long enough for him to pack up and then we went down to the Virginia Cafe.

Q. Did you make any arrangements with Mr.

(Testimony of Rosco George Craycraft.)

Gladstein in regards to getting Cannalonga up to Seattle?

A. No; I made no arrangements with Mr. Gladstein whatsoever. I told Mr. Gladstein that he told me at the elevator that he would call me that night.

Q. That who would call you?

A. That Mr. Cannalonga would call me and tell me what time he thought he could make the trip on Monday morning, and [4740] I was going to take him to Seattle to see these people that he wanted to see in Seattle, and then I would come on down to San Francisco with him.

Q. Oh, you were going to take him to Seattle?

A. Yes, sir.

Q. Was Cannalonga agreeable to that?

A. He was the one that suggested it.

Q. Did you tell that to Mr. Gladstein?

A. Yes, sir.

Q. When?

A. During—while he was packing his suitcase and during the meal hour.

Q. No one else was present? A. No, sir.

Q. And then did Cannalonga call you that Sunday night?

A. I was down on Third and Couch around 7:00 o'clock where he was supposed to call me.

Q. You were down where?

A. Third and Couch, where he was supposed to call me and he never called. I went down to the ship about 8:30 and I had a talk with him then.

Q. Well, now,—

(Testimony of Rosco George Craycraft.)

A. (Interposing): And the reason he hadn't called me was one of the winches had broken down and he had been unable to go to the telephone.

Q. How long did you remain at Third and—Couch, did [4741] you say?

A. Third and Couch.

Q. How long did you remain there?

A. Oh, I judge around 8:00, 8:10. I went down to the ship. I got there about 8:30.

Q. 8:30. And you stayed there until when?

A. Oh, just a few minutes.

Q. Just a few minutes. Well, how many minutes?

A. Just long enough to make arrangements to meet him the next morning at ten o'clock to see what time he would get off the ship.

Q. I am speaking about Sunday night.

A. Well, that's what I said. Just long enough Sunday night.

Q. Did you get a call from Cannalonga?

A. No.

Q. He was to call you, you say, at what time?

A. 7:00.

Q. At 7:00. And you got down—where was he to call you?

A. Well, he called me from the phone on the dock.

Q. Where was he to call you?

A. He was to call me at the Maletti's Grocery.

Q. And did you go down there at 7:00 o'clock to this grocery store?

(Testimony of Rosco George Craycraft.)

A. I was down there at 7:00 o'clock waiting for the [4742] call.

Q. And you remained there how long?

A. Well, I remained there—well, it was after 8:00.

Q. From 7:00 to 8:00? A. Yes.

Q. You were there an hour?

A. I waited better than an hour.

Q. And you didn't get any call?

A. No, sir.

Q. And then what did you do?

A. I went on down to the ship.

Q. Now, was any one with you at the grocery store?

A. Yes, sir. I visited with one of the members of our Coastwise Labor Relations Committee, Cole Jackman.

Q. What is his name? A. Cole Jackman.

Q. Will you spell the first name?

A. C-o-l-e.

Q. Cole Jackson? A. Jackman.

Q. Was he with you during that hour that you spent at the grocery store?

A. He was with me up until almost 8:00 o'clock. So I made a remark then that I was waiting for Mr. Cannalonga and I wondered why he didn't show up. So Cole Jackman went down to the ship so that I wouldn't miss him then if he did call. [4743] Cole Jackman went down to the ship and said that Cannalonga was working on one of the winches and

(Testimony of Rosco George Craycraft.)

couldn't get to the phone, and he wanted me to come on down there. So I went back to the ship.

Q. You sent Cole Jackman down to the ship?

A. Yes, sir.

Q. And when did you send him down?

A. Oh, sometime around, maybe, 7:30.

Q. Why did you tell Cole Jackman that you expected Cannalunga would come there?

A. He had invited me out to his house and I told him that I couldn't leave there, that I was expecting a call from Mr. Cannalunga.

Q. You did say that you were expecting a call?

A. That's right. That's where I was waiting for the call.

Q. And you say Cole Jackman, you sent Cole Jackman to the ship and he returned when?

A. Oh, he wasn't gone very long. I guess it's maybe a mile, a mile and a quarter from there down to the ship.

Q. Did he go down in your car?

A. No, in his own car.

Q. Did you have a car? A. Yes, sir.

Q. You saw Cannalunga, did you, that night?

A. Yes, sir: [4744]

Q. That Sunday night? A. Yes, sir.

Q. And did anyone go down to the ship with you? A. No, sir.

Q. You went alone? A. Yes, sir.

Q. And how long did you talk to Cannalunga then?

A. Well, he was pretty busy. The winches had

(Testimony of Rosco George Craycraft.)

gone haywire, and just as I walked aboard the ship the after lights went on on the deck. And so I just spoke to him long enough to tell him that I would come down tomorrow morning at 10:00 o'clock and I would fix transportation for us to go to Seattle.

Q. Let us get to this Sunday night when you talked to him on the ship.

A. That's what happened that Sunday night.

Q. Was anyone working with him?

A. No, sir.

Q. Was Cannalonga working alone?

A. Yes, sir.

Q. On the winch?

A. No, he wasn't working on the winch right then.

Q. What was he doing?

A. He was in the machine shop wrapping cords and electrical work. [4745]

Q. Was anyone else in the machine shop?

A. No, sir.

Q. Did you have any drinks with Cannalonga that night?

A. No, sir.

Q. How long did you remain with Cannalonga?

A. Oh, I wouldn't say it would be a total of five minutes. [4746]

Q. Then where did you go?

A. Where did I go?

Q. Yes. A. Home.

Q. Did you see anyone that night?

A. No, sir.

Q. Did you see Mr. Gladstein?

(Testimony of Rosco George Craycraft.)

A. I put Mr. Gladstein on the 4:40 plane for Frisco.

Q. Did you tell him you had been on the ship that night and seen Cannalunga? A. No.

Presiding Inspector: 4:40 in the morning?

The Witness: That afternoon.

By Mr. Del Guercio:

Q. Before you went to the ship to see Cannalunga?

A. I don't know just what you mean there.

Q. You said you saw Cannalunga on the ship there about a little after 8:00 P.M.?

A. That is correct.

Q. And when you left the ship you went home. I asked if you saw Mr. Gladstein that night after you left the ship?

A. I put Mr. Gladstein on the 4:40 plane in the afternoon for San Francisco.

Q. Sunday afternoon?

A. On Sunday afternoon. [4747]

Q. Did you get in touch with anyone by phone?

Presiding Inspector: When do you mean?

Mr. Del Guercio: Sunday night.

Presiding Inspector: After he left Cannalunga on the ship?

By Mr. Del Guercio:

Q. After you left Cannalunga?

A. I don't recall getting in touch with anyone Sunday night.

Q. When did you next see Cannalunga?

A. Monday morning at ten o'clock.

(Testimony of Roseo George Craycraft.)

Q. Where did you see him?

A. At Terminal No. 1 on West Cusseta.

Q. On the ship? A. Yes, sir.

Q. Did anyone go with you? A. Yes.

Q. Who? A. Jack Mowery.

Q. Where did you pick up Jack Mowery?

A. Sunday afternoon, on my way to taking Mr. Gladstein to the plane, I stopped by Jack Mowery's house and told him that Cannalonga wanted to see him; that I was going to Seattle the next day with Cannalonga, and I wanted to know if he wanted to go down to the ship with me to see him.

Q. You two had this conversation on Saturday afternoon [4748] before you took Gladstein to the ship?

A. Not Saturday; but Sunday afternoon; yes, sir.

Q. And you told Mowery that Cannalonga wanted to see him? A. Yes, sir.

Q. When did Cannalonga tell you that?

A. Cannalonga told me that several times previously, that he would like to get hold of Jack Mowery and have a talk with him because he was an old acquaintance of his.

Q. Did he say that in the room when Mr. Gladstein was asking Cannalonga's questions?

A. I don't recall him ever making that statement in front of Mr. Gladstein.

Q. Did he make that statement in front of anyone besides yourself? A. No, he didn't.

(Testimony of Rosco George Craycraft.)

Q. Did you tell Mr. Gladstein that Cannalonga had asked to see Jack Lowery.

Q. (Interposing): I mean Mowery, instead of Lowery. That is who you have in mind, Mowery?

A. State your question again.

Q. What is Jack's last name? A. Mowery.

Q. M-o-w-e-r-y? A. M-o-w-e-r-y.

Q. Mowery—now, will you answer the question?

[4749]

A. State the question again, please.

Presiding Inspector: Read it.

(The question referred to was read by the reporter as above recorded.)

A. After we finished eating our dinner Sunday we went up to my house on Curry Street—

By Mr. Del Guercio:

Q. (Interposing): Who is "we"?

A. Mr. Gladstein and I—we went to my house on Curry Street and visited with my children. I had to put Mr. Gladstein on the 4:40 plane. We stayed there to about 3:15 or 3:20 talking to the two girls.

Then I drove right straight on out to 82nd Street, out Foster Road, to where Mr. Mowery lives. I stopped there a few minutes and told him I wanted to see him tomorrow morning.

Q. Was Mr. Gladstein present?

A. Mr. Gladstein was present.

Q. Did you go into Jack Mowery's house?

A. Yes, sir.

(Testimony of Rosco George Craycraft.)

Q. And how long were you and Mr. Gladstein with Jack Mowery that Sunday afternoon?

A. Long enough for me to drink a cup of coffee. Mr. Gladstein didn't care for any coffee. We just had our meal a couple of hours ahead of that.

Q. How long would you say? [4750]

A. Six or seven minutes.

Q. Could it have been more than ten minutes?

A. I doubt it because we were rushed trying to get over to the plane.

Q. And you say that you then told Mowery that Cannalunga wanted to see him?

A. Yes, sir.

Q. And you say—did you say that in Mr. Gladstein's presence? A. Yes, sir.

Q. Is that the first time that Mr. Gladstein knew that Cannalunga wanted to see Jack Mowery?

A. I would say, yes, it was.

Q. In any event, that is the first time you ever told him?

A. I told him on my way to the plane that I wanted to take time enough to stop in and see Jack Mowery; that Cannalunga had requested that Jack come down to the ship to see him. So that would be the first time he could have possibly heard it.

Q. You and Jack Mowery went to the ship to see Cannalunga Monday morning? A. Yes, sir.

Q. And you got there about when, ten o'clock?

A. I would say around ten.

(Testimony of Rosco George Craycraft.)

Q. Did you see Cannalonga? [4751]

A. Yes, sir.

Q. Where did you see him?

A. In his stateroom.

Q. Was there anyone else present besides you and Mowery?

A. I could be wrong on whether it was actually in the stateroom or not, but the agent of the Marine Firemen's Union was down signing the men on for the next cruise. I don't believe they ever came into the room, but I do know they were in the doorway. I don't recall them coming into the room.

Q. Did you have a conversation with Cannalonga at that time?

A. The only conversation I had with Mr. Cannalonga at that time—

Q. (Interposing): I don't want the gist of it. I am asking if you had a conversation.

A. I am telling you what was said.

Q. I am not asking you what was said.

Presiding Inspector: He just wants to know if you had a conversation.

A. Yes.

By Mr. Del Guercio:

Q. Did Mr. Lowery—

Mr. Gladstein: It is still "Mowery".

By Mr. Del Guercio:

Q. Did Mr. Mowery say anything? [4752]

A. I don't recall him saying anything.

Q. Did Mr. Mowery raise his voice at any time while you were in that stateroom?

A. No.

(Testimony of Rosta George Craycraft.)

Q. Did you? A. No.

Q. Was it possible for you to have been heard from the outside?

A. Sure; the door was wide open.

Q. The door was wide open. How long did you and Mowery remain with Cannalonga in this stateroom?

A. Well, the electrician came, that is, the shore electrician, and asked him a question, and he stepped out. As far as being present with him is concerned, that was a matter of a few minutes.

Q. How long were you and Mr. Mowery in that stateroom with Cannalonga?

A. Oh, it couldn't have been over four or five minutes, and Mr. Cannalonga walked out to the rail with us.

Q. Did you have anything to drink while you were in the stateroom? A. No.

Q. By "stateroom" you mean Cannalonga's room, don't you? A. That is right.

Q. You say Cannalonga accompanied you and Mowery off the [4753] ship?

A. No, not off the ship; out to the ladder which goes up on the top deck where the gangplank was.

Q. Did he remain on the ship? A. Yes.

Q. And you and Mowery left together?

A. Yes, sir.

Q. Where did you go? A. Cannalonga?

Q. No. Where did you and Mowery go?

A. I went home to pack my suitcase to go to Seattle; and Mowery went to his home to pack

(Testimony of Rosco George Craycraft.)

his suitcase to go to Seattle, and came back by my house and picked me up at a quarter to two and we went down to Third and—

Q. A quarter to two, when?

A. In the afternoon—and we went down to Third and Couch to wait for a telephone call from Mr. Cannalonga when to come down to the ship and pick him and his gear up.

Q. You were with Mr. Mowery at Third and Couch in the same grocery store?

A. That is from two o'clock on.

Q. Two o'clock until when?

A. 3:30, when Mr. Cannalonga called up and stated that he had been unable to get his relief so far, and he would try to get off the ship by five o'clock that night. [4754]

Q. Who did he talk to on the telephone?

A. To me.

Q. He didn't ask for Mowery? A. No, sir.

Q. All right. He told you that he couldn't get a relief?

A. He told me that he had been unable to get a relief, that they hadn't been able to get a replacement and if he wasn't able to get off for supper that night for me and Mowery to come down to the ship that evening.

Q. Now, you and Mowery were prepared then and there to go to Seattle, is that it?

A. That is correct.

Q. When did you next see Cannalonga?

(Testimony of Rosco George Craycraft.)

A. Around 7:00 o'clock that evening Mowery and myself went down to the ship. Cannalonga wasn't there at the time. We waited around on the dock for a while and he got there about a quarter after 7:00. He had been uptown with an electrician, that is, the shore electrician, making a few purchases and so on.

Q. How did you and Mowery get to the ship?

A. Pardon?

Q. How did you and Mowery get to the ship?

A. Drove down in Jock Mowery's car. [4755]

Q. Were you trying to hide when you went down to the ship?

A. Not the way I would walk up and down those docks.

Q. And you walked right up the ship, right up the gangplank on the ship?

A. As I have always done.

Q. And did you see Cannalonga that night?

A. Yes, sir.

Q. That Monday night? A. Yes, sir.

Q. What time?

A. Well, I believe it would be around between 7:15 and 7:30 in the evening.

Q. And where did you go? In the stateroom again? A. In his stateroom.

Q. And how long did you and Mowery remain with Cannalonga that night?

A. Oh, I judge we was there an hour.

Q. Did you have anything to drink?

A. Yes, sir.

(Testimony of Rosco George Craycraft.)

Q. What did you drink?

A.) Cannalonga had a bottle of rum there. He had some Coca Cola and made what he called a "brown bomber", Coca Cola and rum mixed. He had missed his supper, so he went out in the mess room and made up a big platter of sandwiches, and I had a couple of drinks with my sandwiches. Mowery might have [4756] had a couple of drinks and Cannalonga, to the best of my knowledge, did not take any drinks at all that night. The shore electrician——

Q. (Interposing): "All that night". Were you with him all that night?

A. Well, that hour we were with him. And the shore electrician, he came in and he had a drink with us. The mate came down.

Q. What is his name?

A. I never asked him.

Q. What did you say his position was?

A. He is the shore electrician boss.

Q. Shore electrician boss. Did you see the Customs Guard at that time?

A. If I did I didn't pay any attention to him.

Q. As you got on the ship, you and Mowery, did you see him? A. I never noticed any.

Q. And then what happened?

A. One of the mate's radios went haywire upstairs. Cannalonga went upstairs and fixed his radio. We sat down there and ate sandwiches while he was gone. Then he came back down. I told him that I had talked to Mr. Gladstein in San Francisco

(Testimony of Rosco George Craycraft.)

that evening, that I was going to leave for San Francisco tonight on the ten o'clock plane to tell what had already transpired here in Portland. I said, "Mr. Mowery will take you on [4757] to Seattle in the morning. Then you can leave Seattle tomorrow night and then come on down to 'Frisco". Then I asked him if there was anything further he could tell me at this time. So that's when he gave me the list of the names and places where he was supposed to stop or did stop, and he also gave me the note to Harry Bridges.

Q. This was in the presence of Jack Mowery?

A. Yes, sir.

Q. You took these notes down in the presence of Jack Mowery?

A. Yes, sir.

Q. Then what did you do?

A. (No response.)

Q. Then what did you do?

A. I didn't get that yet.

Q. Then what did you do?

Presiding Inspector: Then what did you do?

A. Well, I left. Mr. Mowery and I left. We went down to Maletti's Bros. I called up my father over in East Portland and talked to him a few minutes over the phone—or talked to my sister. He couldn't get to the phone. He was sick.

Q. Was Mowery with you all the time?

A. Mowery was with me. Then Mowery drove me on out to the plane.

Q. You got on to the plane when?

A. 10:20. [4758]

(Testimony of Rosco George Craycraft.)

Q. When did you have this telephone conversation with Mr. Gladstein?

A. Oh, I judge around 5:30 Monday evening.

Q. 5:30 Monday evening? A. Yes, sir.

Q. Did Mr. Gladstein call you up or did you call him up? A. Mr. Gladstein called me.

Q. What did he say to you?

A. He wanted to know—well, he really called, I guess, to find out whether Cannalonga and I had went on to Seattle, because I was supposed to leave the next day with Cannalonga to Seattle. And I told him what a hard time we had of getting a relief, that I checked with the Firemen's Hall at five o'clock that night and the business agent, Warwick, of the Firemen's Union had told me that they had been unable to get a replacement for Cannalonga and it looked like we were going to have to stay over another day. So he advised me then to come down to San Francisco and then Mr. Mowery could go on to Seattle with Cannalonga.

Q. Did he tell you why he wanted you to come down to San Francisco?

A. I guess for the same reason that I am here now.

Q. What is that?

A. As a witness. [4759]

Q. What?

A. Just why I am on here as a witness now.

Q. What did he say about that?

A. Nothing specific; that he wanted me to come on down to San Francisco.

(Testimony of Roseo George Craycraft.)

Q. To testify? . . . A. To testify.

Q. To testify regarding what?

A. To all these meetings with Mr. Cannalonga, what had been said and so forth.

Q. How long was your telephone conversation with Mr. Gladstein, do you know?

A. Oh, I don't recall.

Q. That was about what time now, again, Monday?

A. I believe it was around 5:30 in the evening.

Q. Now, where did Mr. Gladstein reach you on Monday? . . . A. At Broadway 0718.

Q. That's this same grocery store?

A. Yes, sir.

Q. Was Mowery with you at the time?

A. Yes, sir.

Q. Did he ask Mowery to come down, too, to testify? . . . A. No, sir.

Q. Now, did Mr. Gladstein say that he also wanted you to testify—strike that, please.

When did you next see Cannalonga? [4760]

A. I haven't seen him since.

Q. You left for San Francisco when?

A. On the 10:20 plane out of Portland Monday evening, May 5th.

Q. And you arrived here when?

A. Oh, around three in the morning.

Q. Three in the morning. And how long did you remain in San Francisco?

A. Thursday night.

Q. Until Thursday night of last week?

(Testimony of Rosco George Craycraft.)

A. Yes, sir.

Q. And then what did you do?

A. I went back to Portland.

Q. Where did you stop while you were in San Francisco?

A. Lincoln Hotel.

Q. Lincoln Hotel. And you got in touch, I assume, with Mr. Gladstein?

A. I did, the next morning.

Q. Did you go to his office?

A. Yes, sir.

Q. And did he then tell you that he wanted you to appear here to testify?

A. I didn't understand.

Q. Did he then tell you that he wanted you to come to [4761] Court, that he might call upon you to testify?

A. He told me that he might call upon me to testify.

Q. That day, on Tuesday?

A. I believe he had somebody on the witness stand and he didn't know whether he would use me or not, Tuesday.

Q. Did he tell you that he had arranged with Mr. Shoemaker to come down?

A. I came down on the plane with Mr. Shoemaker.

Q. Oh, you came down with Mr. Shoemaker?

A. Yes, sir.

Q. Now, who asked Mr. Shoemaker to come down?

A. I have an idea the Defense.

Q. Who? What do you mean?

(Testimony of Rosco George Craycraft.)

A. I don't know. I didn't ask Mr. Shoemaker.

Q. Did you take Mr. Shoemaker to the Airport in Portland?

A. No. I met him as we started to get on the plane.

Q. Did you know before that that Mr. Shoemaker was going to come?

A. Naturally, after Sunday.

Q. What? A. Naturally, after Sunday.

Q. Did you understand my question?

A. You asked me if I knew Mr. Shoemaker previous to that time?

Q. No. Did you know that he was coming to San Francisco [4762] prior to the time you met him at the Airport? A. Oh, no, I didn't.

Q. Where did Mr. Shoemaker go, if you know, when you arrived at San Francisco?

Presiding Inspector: I can't hear your questions.

By Mr. Del Guercio:

Q. Where did Mr. Shoemaker go, if you know, upon your arrival in San Francisco?

A. We came over on the limousine from the Airport. Mr. Shoemaker got out at the Palace Hotel and they took me on down to the Lincoln. Now, whether he went into the Palace, I don't know.

Q. Did you give any money to Cannalunga at any time? A. No, sir.

Q. Did you give Cannalunga \$200.00?

A. No, sir.

(Testimony of Rosco George Craycraft.)

Q. At any time? A. No, sir.

Q. Did Mr. Gladstein give you any money at any time to give to Mr. Cannalunga?

A. No, sir.

Q. Did Mr. Mowery give you any money?

A. No, sir.

Q. Did you see Mr. Mowery give any money to Cannalunga? A. No, sir.

Q. Did you meet Cannalunga in Portland at any of the [4763] places other than you have described here on the stand? A. No, sir.

Q. Did you meet Cannalunga in a sporting house in Portland, Oregon. A. No, sir.

Q. Did you follow him into such a house?

A. No, sir.

Q. You know what I mean by "sporting house," don't you? A. Yes, sir.

Q. Did you catch or see Cannalunga in such a house? A. No, sir.

Q. With a girl? A. No, sir.

Q. Did Mowery tell you of such a situation?

A. No, sir.

Q. Did Mr. Gladstein? A. No, sir.

Q. Do you know who took Mr. Cannalunga's clothes off the ship West Cussetta?

A. I know by hearsay.

Q. Do you know of your own knowledge?

A. I can't say that I know of my own knowl-

(Testimony of Roscoe George Craycraft.)

edge. I only know what the Immigration Department said.

Q. Is this the—strike that, please..

What is your present position in the International Longshoremen's and Warehousemen's Union?

A. Executive Board Member for the Columbia River District. [4764]

Q. Executive Board Member. And how long have you had that position?

A. I was elected first term in June, 1939, re-elected in 1940.

Q. Do you occupy any other offices?

A. At the present time I am candidate unopposed for Vice-President of the International.

Q. Who proposed your candidacy for Vice-President?

A. The man who was Vice-President last year nominated me in the convention.

Q. Is Mr. Bridges interested in your candidacy; I mean, in a slight way?

A. Well, I have an idea he would be as President of the Union.

Q. Well, does he want you to be Vice-President?

A. He never personally told me so.

Q. Would you say that he doesn't want you to be Vice-President?

A. I think it is immaterial to him so long as the man really gets out and works for the Union.

Q. Well, do you think that you could become

(Testimony of Roscoe George Craycraft.)

Vice-President of that Union without Bridges' support?

A. If I had the support of enough delegates, yes.

Q. Without Bridges' support.

A. Yes. [4765]

Q. You have been pretty close to Mr. Bridges, have you not?

A. In trade unions, yes.

Q. You have always admired him?

A. I have.

Q. You have? A. I have.

Q. Have you ever made the statement to anyone at any time that the fact that Harry Bridges was a Communist made no difference to you?

A. No. I never made that statement.

Q. Did you make a statement substantially that?

A. I might have made a statement to this effect: That from all I have seen of Harry Bridges do in the trade union movement, even if he was a Communist it wouldn't affect me.

Q. Now, this meeting that you spoke of with Jack Mowery and Mr. Bridges in Portland sometime in April, 1938, is that the same Jack Mowery that went with you to see Cannalonga on the ship?

A. I have an idea you are referring to the meeting in Aberdeen?

Q. Aberdeen or Portland in the Mörck Hotel; M-o-r-c-k, as you spelled it?

A. That is the same Mowery.

(Testimony of Rosco George Craycraft.)

Q. Huh? [4766]

A. That is the same Mowery.

Q. That is the same Mowery. Was that in Aberdeen or was it in Portland?

A. In Aberdeen.

Q. Were anyone else present other than Mowery and yourself and Bridges?

A. There were other individuals in and out of the room at different times. I don't remember of anyone that stayed in there permanently all the time with Brother Bridges, Brother Mowery and myself. [4767]

Q. Well, you described it as a meeting. What kind of a meeting was it?

A. Previous to that time I called a meeting of the trustees of my union in Portland, because I didn't like the way the money was being expended in the State of Oregon. Brother Bridges was the only one that had the power, as Coast CIO Director, to make any change in the way it was done. So Brother Mowery and myself proceeded to Aberdeen to see if we couldn't do something to make a more solid union in Oregon and to see if we couldn't get these funds established in the hands of the Portland Industrial Union Council. And then we could hire a man for a specific job; that is, if we had a job down in a certain sawmill, and one man could do it better than another, that we could do it that way, and it would be better and we could get a competent man to do it. The Portland Industrial Union Council would be in charge of disbursing the money.

(Testimony of Rosco George Craycraft.)

That was the proposition we went to Aberdeen about.

Q. You and Jack Mowery left Portland to go to Aberdeen to see Bridges about this?

A. Jack Mowery was elected by a referendum vote by the trustees of our organization, and he was the man to go with me.

Q. When was he elected?

A. In the elections in December.

Q. December of what year?

A. 1937, to be installed in the first meeting in January [4768] 1938.

Q. How many persons are there on the Executive Board? A. 25 on the Executive Board.

Q. 25. And how many on the Board of Trustees? A. Three.

Q. Who are they?

A. There was Jack Mowery, Ed Lyons and Harry—I can't think of his name right now.

Q. Harry something? A. Harry—

Q. Were you on the Board of Trustees?

A. I was Secretary of the Union.

Q. You were Secretary, but you were not on the Board of Trustees? A. That is correct.

Q. Well, where was Ed Lyons at that time?

A. The Trustees would come up and go over the books once a month, or go over any other matters concerning the union.

Q. Where was Harry?

A. You mean why didn't all three not go? Is that what you mean?

(Testimony of Rosco George Craycraft.)

Q. You are anticipating my question.

A. Mowery and I were the only two that was going to come up there and see him.

Q. You said Ed Lyons and Harry—

A. (Interposing): Just a minute. It is up to the [4769] Board of Trustees to decide that.

Q. Did Jack Mowery have authority to speak on behalf of the other two members?

A. Why I take it for granted he would.

Q. Did he tell you so?

A. Well, Jack Mowery and myself would have the authority to speak.

Q. Was Harry Pilcher there?

A. I don't recall Harry Pilcher.

Q. You know who Harry Pilcher is, don't you?

A. Yes.

Q. Did you see him in Aberdeen?

A. I tell you I don't recall seeing Harry Pilcher in Aberdeen at all.

Q. How about Howard Bodine?

A. I saw Howard Bodine and he stayed at the same hotel I did.

Q. In Aberdeen? A. In Aberdeen.

Q. Was he at that meeting?

A. He might have been.

Q. What was he doing at the meeting?

A. Well, the President of the organization, naturally, his hotel room is more or less his headquarters and anyone that had any business with the President naturally would come to his room. [4770]

Q. In whose room was this meeting held?

(Testimony of Roscoe George Craycraft.)

A. In Harry Bridges'.

Q. Did you attend a convention in Aberdeen in about October 1940 of the International Woodworkers of America?

A. Yes, sir.

Q. In what capacity did you go to that convention?

A. Representing the international of the ILWU.

Q. Did you also go there as a supporter of Bridges?

A. No, I wouldn't say I went as a supporter of Bridges. I went there representing the entire organization of the longshoremen.

Q. Were attacks made in that convention on Communists.

A. Lots of them.

Q. Did you oppose the attacks that were being made on Communists?

A. I never had a word to say in that convention; never opened my mouth. I sat up in the Balcony as an observer.

Q. You didn't say anything at all?

A. No.

Q. Did you distribute or cause to be distributed any literature?

A. No.

Q. What?

A. No.

Q. Was Mowery at that convention? [4771]

A. Not to my knowledge.

Q. Have you received any communication from Cannalonga since you saw him the last time which, I believe, was Tuesday night?

A. Monday night.

Q. Monday night?

(Testimony of Rosco George Craycraft.)

A. I never received a communication from Cannalonga in my life outside of a telephone.

Q. Was there a telephone call?

A. No, sir.

Q. Or any communication through another person?

A. No, sir.

Q. Did you do anything to frighten Cannalonga into not communicating with you?

A. Louder.

Q. Did you do anything that would frighten Cannalonga into not communicating with you?

A. No, sir.

Q. I believe you testified that he was glad to see you?

A. He was.

Mr. Gladstein: Could I ask the reporter to read a question that occurred two or three questions before the last one? I didn't hear it. My attention has just been called to it by Mrs. King. I wonder if it could be read.

Presiding Inspector: Yes. [4772]

Mr. Gladstein: The one in which the witness was asked whether he had ever received a communication, and then what follows thereafter.

(The portion of the record referred to was read by the reporter as above recorded.)

Mr. Del Guercio: I don't know if I asked the witness this question before but if I have I will withdraw it.

By Mr. Del Guercio:

Q. I believe you testified on direct examination

(Testimony of Rosco George Craycraft.) :

that you saw a newspaper article regarding Cannalunga appearing at this trial, is that right?

A. I don't know. You objected so much right there that I thought it was stricken. I did see a newspaper article.

Mr. Del Guercio: Was that stricken?

Presiding Inspector: I think going to the contents—the question that embodied the contents was disallowed as I recall.

By Mr. Del Guercio:

Q. When did you see this article with respect to your return from the convention in Los Angeles?

A. I read it here in San Francisco. When I read the article, and it got down to the bottom and said, "Yes or no," then after repeated questioning I just figured maybe there was something wrong.

Q. I didn't ask you anything about that. All I asked you [4773] was when you saw the article in a newspaper with respect to the time of your return from the convention in Los Angeles. Do you understand my question?

A. Friday, April 18.

Q. Had you seen Harry Bridges prior to that time?

A. That is when I went up to see him, when I read this article

Q. And as a result of seeing that article you went up to see Harry Bridges?

A. That is correct.

Q. And as a result of seeing Harry Bridges you

(Testimony of Rosco George Craycraft.)

went up to Portland and saw Rodman, is that correct? A. That is wrong.

Q. Huh? A. That is wrong.

Q. And as a result of your seeing Rodman you met Cannalonga, is that correct?

A. No; I said that was wrong.

Presiding Inspector: I think the witness denies the causation that is implicit in the question.

Mr. Del Guercio: Yes.

Presiding Inspector: I think that is the substance of his answer.

Mr. Del Guercio: Yes. That is all.

Presiding Inspector: Any further questions?

Mr. Gladstein: We have a few, your Honor.

[4774]

Redirect Examination

By Mr. Gladstein:

Q. Do you know what Jack Mowery's correct name is?

A. I don't know his correct name, but I know his initials from keeping records so long. It is W. H. Mowery.

Q. You say "from keeping records." You mean as Secretary of the Union? A. Yes, sir.

Q. Do you know why he is called "Big Jack"?

A. He has another brother designated as "Jack Mowery," so to distinguish between the two boys one is "Big Jack," and the other is "Little Jack."

Q. Is that the way they are known on the waterfront?

A. It is very common on the waterfront to call

(Testimony of Rosco George Craycraft.)

them "Little Jack" and "Big Jack," or "Snooze-face," or using some other term to designate a man.

Q. When you were a delegate to the convention of the International Woodworkers of America what was your capacity, a true delegate of that organization or something else?

A. I was not a delegate to their convention. I was there as an observer and more to see just what was going on in the convention to make a report to my own officials, my own organization.

Q. Do you know whether there is any custom or practice in the trade union movement for an international union, when it is about to hold a convention, to invite fraternal observers [4775] or delegates from other unions?

Mr. Del Guercio: Just a minute. I will object to that as improper redirect.

Presiding Inspector: I don't see how that is very material.

Mr. Gladstein: It is a subject that was touched on and, if your Honor recalls, something was said about why Mr. Craycraft, whether he did or did not take certain action at that convention on a certain issue. I think we are entitled to bring out in what capacity he was actually there.

Mr. Del Guercio: But not to beat around the bush. He can ask a direct question.

Presiding Inspector: Haven't you asked it and hasn't he answered it? He said he went as an observer.

(Testimony of Rosco George Craycraft.)

Mr. Gladstein: All right.

Presiding Inspector: I don't see what difference it makes as to what the custom is. I don't see any impropriety in going as an observer.

Mr. Gladstein: I don't either, but I want to show there is such a custom in the labor movement.

Presiding Inspector: Are there observers at these conventions?

The Witness: When an International holds—

Presiding Inspector: You can answer that "yes" or "no."?

The Witness: Yes, there are. [4776]

Presiding Inspector: Is this a closed meeting, this convention?

The Witness: No. The delegates have a voice and vote. Then the public can sit in the balcony, and that is where I was seated.

By Mr. Gladstein:

Q. Now, I think you testified, in response to questions by Mr. Del Guercio, that on the Friday night when you saw Cannalunga, the same night on which you telephoned to me, when you went down to the dock you met some people there. Do you have your mind on that incident?

A. You are mistaken. It wasn't Friday night; it was on Wednesday night when I went back after the Union meeting.

Q. I beg your pardon. What people did you meet there?

A. I met one of the members of the Employers

(Testimony of Rosco George Craycraft.)

Labor Relations Committee. The gang working on No. 4 hatch was bringing out a load of flour, a load of sugar, and swing it against the side of the dock and cated it in, and—

Mr. Del Guercio: (Interposing) Your Honor, all this has been gone into.

Presiding Inspector: Yes, but it came out, didn't it—I don't recall whether it was on cross, or direct.

Mr. Del Guercio: I wouldn't say positively. But I remember this same line of talk by the witness.

Presiding Inspector: I don't think it will do any harm. We would have to look it up to see what the witness said. [4777]

Mrs. King: It came out on cross, I am pretty sure, your Honor.

Mr. Gladstein: May the witness continue?

Presiding Inspector: I will allow him to state it again.

By Mr. Gladstein:

Q. Will you continue, please?

Presiding Inspector: Although I wouldn't devote much time to it.

Mr. Gladstein: I don't intend to.

A. It came out when—

By Mr. Gladstein:

Q. No, no. Just continue with your answer as to what happened that Wednesday night.

Mr. Del Guercio: His position is apparent.

Mr. Gladstein: I move that be stricken.

Presiding Inspector: I will let it stand. It is just running comment.

(Testimony of Rosco George Craycraft.)

By Mr. Gladstein:

Q. Will you continue with what took place on this evening when you met a member of the Labor Relations Committee—by the way, who was that?

A. Mr. Morris.

Q. What is his full name, do you know?

A. No, I can't say as I do.

Presiding Inspector: He isn't the professor?

[4778]

The Witness: Mr. Morris is from the Employers.

By Mr. Gladstein:

Q. What is his position?

A. He is a member of the Labor Relations Committee and does all the hiring for the Portland Stevedoring Company.

Q. Did you talk to him on that occasion?

A. Yes. When he first came down there he thought I was down there to see if there wasn't some way he could make the stevedores pay for breaking in the side of the building, and that I came down there to look over the damage.

Q. Was this at the West Cussetta?

A. At the West Cussetta dock, where the West Cussetta was tied up. [4779]

Q. Were there any others there besides Mr. Morse or Morris?

A. Oh, there were several; the sling men and the walking boss and so on like that. But Mr. Morse was the only one that discussed it with me.

(Testimony of Roscoe George Craycraft.)

Q. Now, has there been anything in your past relationship with Mr. Cannalonga that would make him friendly to you?

A. I would say, Yes. In the 1936 and '37 strike I was Chairman of the Relief Committee and the Marine Firemen's Union was practically bankrupt and they were having a hard time of raising any money to feed their members. So I went before the longshore organization and other organizations and I got them to pay in their pro-rata share of expenses in running the soup kitchen. And when the 1936-'37 strike was over they owed us approximately \$1,700.

Q. Who is "they"?

A. The Marine Firemen. And Mr. Cannalonga naturally would remember that because that was one way they were able to keep their membership solid on the waterfront during the strike, was because they were being fed.

Mr. Del Guercio: I move to strike the witness' entire answer.

Mr. Gladstein: Why, it is quite responsive.

Mr. Del Guercio: Improper.

Mr. Gladstein: It shows—

Presiding Inspector: (Interposing) We have gone into the [4780] question of the friendliness of these people.

Mr. Gladstein: Yes.

Presiding Inspector: I think I will let it stand.

Mr. Gladstein: Thank you, your Honor.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: There might be implications from it either way.

By Mr. Gladstein:

Q. Now, do you know whether Mr. Mowery during the 1936 and '37 strike took a position similar to yours on the question of feeding members of the Marine Firemen's Union?

A. Well, I couldn't swear to that.

Q. What was your position on that publicly and openly?

A. My position was that every man that was out on strike should be taken care of regardless of whether the Union had any money or not. The Unions that did have the money should help and support their fellow brothers.

Q. And is that the position which prevailed during the strike?

Mr. Del Guercio: I move that—

Presiding Inspector: (Interposing) You can draw inferences either way.

Mr. Del Guercio: I will object to any further questions. Well, the—if you want it in I will let it go in.

Presiding Inspector: Well, Mr. Gladstein wants it in. It might as well go in. [4781]

By Mr. Gladstein:

Q. Will you please answer it.

A. The question please.

Mr. Gladstein: Read it back.

(The question referred to was read by the reporter as above recorded.)

(Testimony of Roseo George Craycraft.)

A. It did after many heated debates.

By Mr. Gladstein:

Q. You mean that there was opposition to the policy that you were in favor of?

Mr. Del Guercio: Well now, if your Honor please, we are going into opposition, too? Now, what next?

Presiding Inspector: You have got the statement that this was his attitude. Now, what difference does it make?

Mr. Myron: With the exception of Mr. Gladstein's testimony. Apparently he is framing his questions to—

Mr. Gladstein: (Interposing) I still haven't heard an objection.

Presiding Inspector: What is that?

Mr. Gladstein: I still haven't heard an objection.

Mr. Myron: No objection.

Presiding Inspector: Yes, there was an objection.

Mr. Del Guercio: The objections aren't addressed to you.

Presiding Inspector: Read the objection.

(The objection referred to was read by the reporter as follows: [4782])

"Well, now, if your Honor please, we are going into opposition, too? Now, what next"?)

Mr. Gladstein: That is a question. What is the objection?

(Testimony of Rosco George Craycraft.)

Presiding Inspector: I think there is an objection implicit in that.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. When you were Secretary of the Portland Longshore Local the time that you went to the Aberdeen convention to have this meeting with Mr. Bridges did your position include the job of being Treasurer? A. Yes, sir.

Q. What was the title of your position?

A. Secretary-Treasurer.

Q. Why did you go to Aberdeen to see Mr. Bridges?

Mr. Del Guercio: Well, if your Honor please, we have gone all over that. Now, he wants to go over it again.

Mr. Gladstein: We are now on redirect. This was asked on cross examination.

Presiding Inspector: I know. But he merely covered the same thing that you brought out on direct. There was no new matter there, was there?

Mr. Gladstein: I think there was, yes, on this question.

Mr. Del Guercio: The Aberdeen meeting was brought out by counsel on direct. [4783]

Mr. Gladstein: Yes. But it was gone into on cross examination.

Presiding Inspector: But I don't think there was anything new on the matter.

Mr. Gladstein: There were a few names mentioned, for example.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: Yes, there were some names mentioned. You may ask about those names. But I don't see any point in wasting and taking any time on that.

Mr. Gladstein: Well now, —

Presiding Inspector (Interposing): This ruling is for the sake of expedition.

By Mr. Gladstein:

Q. Why didn't you see Mr. Bridges in Portland on that subject?

Mr. Del Guercio: If your Honor please, I will object to that question.

Presiding Inspector: I will let him answer that.

A. To the best of my recollection, Mr. Bridges didn't stop in Portland on the way to Aberdeen. That was the reason I had to go to Aberdeen to see him. If he had stopped in Portland naturally I would have seen him there.

Presiding Inspector: That covers both questions.

By Mr. Gladstein:

Q. Now, the name of Howard Bodine was mentioned as being at Aberdeen, that there was this convention going on, [4784] was there not?

A. Yes, sir.

Q. It was a convention of what Union?

Mr. Del Guercio: That has already been gone into, your Honor. There is no question about what convention was going on.

Presiding Inspector: I will allow it for the sake of expedition again.

(Testimony of Roscoe George Craycraft.)

Mr. Del Guercio: For what?

Presiding-Inspector: For the sake of expedition. If I don't allow it there will be a lot of other questions.

Go ahead.

Mr. Gladstein: Will you read the question?

(The question referred to was read by the reporter as above recorded.)

A. Of the International Longshoremen's and Warehousemen's Union.

By Mr. Gladstein:

Q. Do you know whether Howard Bodine was a delegate to that convention?

A. Duly elected delegate.

Q. From what Union?

A. From Local 1-8.

Q. That is located where?

A. The Portland Local. [4785]

Q. That is the same Local of which you were an officer?

A. Yes, sir.

Q. In your testimony concerning the night that you arrived in San Francisco, or I think you said something about 3:00 A.M. the time when you came down on the plane with Mr. Shoemaker, your testimony was that Mr. Shoemaker stopped off at the Palace Hotel and then I think you said "he" took you to the Lincoln Hotel. When you used the pronoun "he" did you refer to Mr. Shoemaker or somebody else?

A. No. I referred to the man driving the cab.

(Testimony of Rosco George Craycraft.)

Q. In your cross examination you testified that after the ILWU convention in the year 1941 in Los Angeles you drove back with a man named Dewey Van Brunt. Who was he, please?

A. Dewey Van Brunt is the elected delegate of the Longview Local on the Columbia River.

Q. A delegate to the convention that you attended? A. To the convention.

Q. And who were the people in the car when you drove back from Los Angeles? Q

A. Mrs. Van Brunt and my wife.

Q. And yourself? A. The four of us.

Q. I want to call your attention to the time that you went up to see Mr. Bridges in his office on the Friday after reading this newspaper article. What took place in that office? [4786]

Mr. Del Guercio: I object to that, if your Honor please.

Presiding Inspector: If this is just about making engagements or requesting something for the future, I will take it. But if it is any oration of past events, of course, it would not be competent.

Mr. Gladstein: It has to do with Mr. Cannalonga.

Presiding Inspector: Well, if it was something to do with what this witness had to do with Mr. Cannalonga, I will take it.

Mr. Gladstein: That's right, your Honor.

Presiding Inspector: I excluded it before under the usual hearsay rule, which I applied in this in-

(Testimony of Rosco George Craycraft.)

stance, because I thought it was very insignificant as an oration of past events.

Mr. Gladstein: All right.

Presiding Inspector: Just an arrangement for the future, I will take it.

Mr. Del Guercio: Oh, your Honor, I will make the further objection, too, that Mr. Bridges is here and on trial.

Presiding Inspector: Well, I know.

Mr. Myron: Of course, this isn't proper re-direct. It wasn't brought out on cross examination.

Presiding Inspector: I know. But I excluded it the other time on a general objection. Now, I will modify that. If it is an oration of past events, of course, it is not competent and I don't want such an oration. But on the assurance [4787] of counsel that it has something to do with some arrangement, I will take it.

You may state what happened so far as the conversation related to the future, what you would do about Cannalonga or anything of that kind. That is all you want, I understand?

Mr. Gladstein: Well, of course, he was asked on cross examination about this newspaper.

Presiding Inspector: Yes. But the detail of it wasn't given.

Mr. Gladstein: No.

Presiding Inspector: It was just a newspaper article. I don't think we ought to go into dispute about it.

(Testimony of Rosco George Craycraft.)

Mr. Gladstein: He was asked some questions about the causation, if you remember.

Presiding Inspector: Yes, he was.

Mr. Gladstein: Therefore, I would like to get the facts in which will show the causation or the chain of circumstances or whatever they are.

Mr. Del Guercio: Causation only as to time, your Honor, not as to—

Mr. Myron (Interposing): It was merely a reiteration of what was asked on direct examination.

Presiding Inspector: I will take it with the understanding that we will first hear about any arrangements that were [4788] made, any request that was made by Mr. Bridges to this witness.

Mr. Gladstein: Or vice versa.

Presiding Inspector: Or vice versa. Any suggestion that was made.

Mr. Gladstein: Yes.

Presiding Inspector: Any arrangement between them, any talk between them as to the future.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Do you have that in mind, Mr. Craycraft?

Presiding Inspector: I think that is all you want.

Mr. Gladstein: That is, yes.

A. Well, after I read the newspaper article—

Mr. Del Guercio (Interposing): You have already read the newspaper article and you are there with Mr. Bridges.

Presiding Inspector: You are up in Mr. Brid-

(Testimony of Rosco George Craycraft.)

ges' office. Now, did you suggest that you do something or did he suggest it or what did happen along that line?

Mr. Gladstein: Your Honor, maybe the witness has the newspaper article with him. I don't know. I think he should be permitted to tell what happened.

Presiding Inspector: We don't care about that. The newspaper article must have been something about what happened here.

Mr. Gladstein: In Court. [4789]

Presiding Inspector: I think we generally know as much about it as the newspapers, but I see that that isn't always the case.

A. I went up to see Mr. Bridges, told him that I had never read anything so screwy in my life. I said "If you know where Mr. Cannalonga is —"

Mr. Del Guercio (Interposing): If your Honor please, that is what this witness has been wanting to say for a long time and it is apparent that what he saw was something "screwy".

Presiding Inspector: It is only criticism of the newspaper, or it may be a criticism.

Mr. Del Guercio: You have been wanting to say that.

Presiding Inspector: We are all tolerant of criticism of the newspapers. Now, go on.

A. (Continuing) — That if he knew where he could reach Mr. Cannalonga I would be glad to talk to him. So I told him that I would go on back to the hotel and I would wait in the hotel. And I

(Testimony of Rosco George Craycraft.)

waited there all the rest of the night for a call from Mr. Bridges, and I guess he was unable to reach Mr. Cannalonga that night.

Presiding Inspector At any rate, you didn't hear from him?

The Witness: At any rate I didn't hear from him that night. [4790]

By Mr. Gladstein:

Q. When did you next hear as to where Cannalonga was?

A. Well, I had even forgotten about it until Mr. Rodman had come out to the house that night.

Q. Did you when you were with Mr. Bridges express some desire to talk with Mr. Cannalonga?

A. I did.

Q. Will you state what was said on that occasion?

A. I said "I would sure like to sit down and talk to 'Blackie', that I believe that 'Blackie' would give me the true story on it."

Q. What was in the newspaper—what was the question and the answer that caused you to seek out Mr. Bridges and have this conversation with him?

Mr. Del Guercio: I will object to that, your Honor. It is an apparent attempt by—

Presiding Inspector (Interposing): I don't think we need to go into that.

Mr. Gladstein: All right. I will withdraw it.

(Testimony of Rosco George Craycraft.)

By Mr. Gladstein:

Q. Do you know whether Jack Mowery is a veteran of the World' War?

A. He is a member of the Veterans of Foreign Wars.

Mr. Del Guercio: If your Honor please, I object to that on the following grounds: First, it couldn't possibly be [4791] within this witness' knowledge. There is no foundation to show that he has ever been in the Army or in the Veteran's Bureau or connected with the United States Army in any manner, shape or form.

Presiding Inspector: We have heard a little bit of football and so forth. I will take this. I don't see that it amounts to anything particularly.

Mr. Del Guercio: The question on cross examination was whether Mowery was a Communist or not.

Mr. Gladstein: The question always is in this case by Mr. Del Guercio, "Have you heard that so and so is a Communist?"

Presiding Inspector: I think this doesn't need any argument. Go ahead.

Mr. Gladstein: Has the question been answered?

The Reporter: Yes.

Presiding Inspector: I didn't hear it.

(The answer referred to was read by the reporter as above recorded.)

Presiding Inspector: Well, that is implicit that he was, I suppose.

(Testimony of Rosco George Craycraft.)

By Mr. Gladstein:

Q. Do you know whether Mowery has any physical defects?

Mr. Del Guercio: I will object to that, if your Honor please, unless he—upon the ground it is improper cross examination or redirect.

Presiding Inspector: You asked him how large Mowery was, [4792] And you asked him some questions about—no, you didn't ask him about his clothing. I think I will take it as passing on identification.

Mr. Gladstein: All right.

Presiding Inspector: If he is lame or has one eye or any obvious physical defects.

A. Well, he has been wounded in the World War in the leg.

Presiding Inspector: Has it left a limp or anything?

The Witness: Not so noticeable.

Presiding Inspector: Then it isn't very material.

Mr. Gladstein: May we have a short recess?

Mr. Del Guercio: Do you have another witness?

Mr. Gladstein: I don't have one here.

Presiding Inspector: Better get him. We will have a short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: Now, we will go on.

(Testimony of Rosco George Craycraft.)

By Mr. Gladstein:

Q. Now, Mr. Craycraft, I think you said it requires 300 members of your Union to constitute a quorum. Is that right?

A. That is correct.

Q. You can't have a meeting unless you have 300?

A. That is correct.

Q. On this evening when there was to be a special meeting at which delegates were to report on the convention, I believe you said that there were only around 25 who were there?

A. I doubt if there were that many. [4793]

Q. Did the personnel of that 25, or whatever the group was, change during the period of an hour or so during which time you were waiting for a quorum?

A. I couldn't say definitely. Maybe one or two drifted in and drifted out.

Q: When you were up in Mr. Lord's office on the Sunday, will you state where the various persons who were present were seated in that room?

Mr. Del Guercio: Your Honor, I will object to that as already having been gone into, and not proper redirect.

Presiding Inspector: I will take it, if he can answer it.

A. To my left sat Mr. Gladstein.

By Mr. Gladstein:

Q. First of all, let me ask you this: Was there a desk in the office?

(Testimony of Rosco George Craycraft.)

A. There was a desk in the office, not quite as long as the one you are sitting before and just about the same width.

Q. Where was I sitting in that room with reference to the desk?

A. You were sitting behind the desk as at present.

Q. Now, was there anybody else who was seated in proximity to the desk?

A. Cannalunga was sitting just about where Mrs. King is sitting only away from the desk. Cannalunga's chair sat in the corner just where my seat is. Mr. Lord sat at this end of [4794] the desk (Indicating)) with his back up against the wall.

Q. Would you say that I was sitting alongside or close to Mr. Cannalunga?

A. I would say about four, five, six feet.

Q. Where was Mr. Shoemaker, the Court Reporter, sitting?

A. Mr. Shoemaker was sitting across from you across the desk, and I was sitting over here about, oh, four or five feet from the desk.

Q. Now, would it be correct to say that you were seated almost on the opposite side of the room from where I was?

Mr. Del Guercio: I would object to that, if your Honor please. Leading and suggestive.

Presiding Inspector: I don't think that is quite right. He was seated at your right, wasn't he?

Mr. Gladstein: Let me ask him.

(Testimony of Rosco George Craycraft.)

By Mr. Gladstein:

Q. Where were you seated?

Mr. Del Guercio: That has already been asked and answered, your Honor.

Presiding Inspector: Yes, But I don't understand it myself. I will let you ask that, of course, because I don't understand it.

Mr. Gladstein: Yes. All right.

A. In relation to where— [4795]

Presiding Inspector (Interposing): It was answered, Mr. Del Guercio, but I don't understand it.

A. (Continuing) In relation to where you are seated now I would be sitting off this end of the desk (Indicating) about four or five feet back.

Presiding Inspector: That was at Mr. Del Guercio's right, but just at the end.

Mr. Del Guercio: I was going to resent that. I think you meant "Mr. Gladstein's right". You used my name.

The Witness: Right where Mr. Gladstein is sitting now, I would be sitting at about where this paper is up on top of the desk (Indicating).

By Mr. Gladstein:

Q. That is the clerk's desk? That is the clerk's desk, Mr. Craycraft?

A. Yes, sir. [4796]

By Mr. Gladstein:

Q. That is, you were not actually at the desk at all?

A. No, sir.

Presiding Inspector: You were across the table and slightly at the right of Mr. Gladstein?

The Witness: That is right.

(Testimony of Rosco George Craftcraft.)

Presiding Inspector: But away from the table?

The Witness: That is correct.

Mr. Gladstein: That is all, your Honor.

Presiding Inspector: Anything further?

Recross Examination

By Mr. Del Guercio:

Q. You were facing Cannalunga?

A. No; I wouldn't say that I would be.

Q. Was your back to him?

A. No; my back wouldn't be to him. I was sitting more like I am sitting now, and Cannalunga would be sitting in this direction (indicating) from me.

Q. You could see him without making any effort?

A. Oh, yes. I didn't have to turn around to see him.

Mr. Del Guercio: That is all.

Redirect Examination

By Mr. Gladstein:

Q. Have you ever been appointed to any office by the Governor of your State? [4797]

Mr. Del Guercio: I will object to this, your Honor.

Presiding Inspector: I will take it.

A. I was appointed by Governor Sprague, at the 1939 Legislature, to make a study of the Accident Commission Laws in Oregon, and make a report back to the 1941 Legislature.

Q. Are you active in that matter now?

(Testimony of Rosco George Craycraft.)

Mr. Del Guercio: Is this preliminary to something?

Presiding Inspector: This is reopening for identification.

Mr. Gladstein: Yes; with your permission.

Presiding Inspector: Yes. This is really the only question?

Mr. Gladstein: Yes.

Presiding Inspector: Are you still active?

The Witness: No. That Commission would go out when the 1941 legislature would meet. Our report was for the 1941 Legislature.

By Mr. Gladstein:

Q. When was that report made?

A. That was made over a period of 1939-1940 and completed around November in 1940.

Mr. Gladstein: That is all.

Presiding Inspector: That is all.

(Witness excused.)

Mr. Del Guercio: Your Honor, I have a motion to make. [4798]

Presiding Inspector: Yes.

Mr. Del Guercio: In view of the testimony elicited here from this witness it is apparent that Cannalonga was available, was available to counsel, and could have been brought here had they wanted to.

You will recall this witness testified that he had been asked to come down here by Mr. Gladstein to testify in this case on Tuesday. Cannalunga was still available on Tuesday, his whereabouts were known. It is obvious, therefore that Mr. Gladstein, or anyone else, didn't want Cannalunga to come down here.

Presiding Inspector: Well, the evidence is that he said he would come if everything went well in Seattle.

Mr. Del Guercio: Further, arrangements had been made to have Shoemaker come down here.

Cannalunga, according to this witness' testimony, was going up to Seattle. Why didn't they wait until after what-you-call-him returned from Seattle?

Presiding Inspector: I don't know. But under all the circumstances I will deny the motion.

Mr. Gladstein: We had expected the cross examination of Mr. Craycraft to take the balance of the day and we, frankly, are not prepared to place another witness on the stand this afternoon.

Under the circumstances, we will ask that we may be per- [4799] mitted to take up one matter which Mrs. King desires to take up now. I think it requires the presence of Major Schofield.

Mrs. King: If he is not prepared to come in at this time we can go into the reading of further testimony from the previous hearing.

Presiding Inspector: I am sure he is prepared. Will you ask Major Schofield to come in?

(Whereupon Mr. Del Guercio left the room to summon Major Schofield.)

Mr. Del Guercio: He will be in here in a moment.

Presiding Inspector: Just a moment.

(Whereupon Major Schofield entered the court room.)

Presiding Inspector: Now, Mrs. King?

Mrs. King: If your Honor please, I believe that Major Schofield has seen the paper which I am holding in my hand, which purports to be a copy of a letter dated December 19, 1934, from the Commissioner of Immigration and Naturalization, the then Commissioner of Immigration and Naturalization, D. W. MacCormack, to Mr. George O. Brisbois, Chief of Police of Phoenix, Arizona, with reference to the testimony of Mr. Honig at a trial before Mr. Justice Edward J. McGoldrich, in Special Term, Part V, Supreme Court, on October 6, 1933.

I believe that Major Schofield has very kindly consented to assure your Honor that this is a copy of the letter which was sent by the Commissioner of Immigration to Mr. George O. [4800] Brisbois under that date, and that there is a carbon copy of that letter in the files of the Immigration and Naturalization Service.

Presiding Inspector: Is that right?

Mr. Del Guercio: With this further observation: That not only did the Major see that letter, the copy that Mrs. King has, but the Major gave it to her.

Major Schofield: If your Honor please, I verified that fact by telephoning to the Central Office

in Washington that the letter, a copy of the letter shown to me is a copy of a carbon copy of a letter allegedly written, purportedly written by one of my predecessors, Colonel MacCormack, now deceased, on December 19, 1934; apparently a reply to a letter from the Chief of Police of Phoenix, Arizona, dated November 18, 1934.

Presiding Inspector: That, in the Major's own words, is what you stated.

Mrs. King: Yes; stated in my own way.

Presiding Inspector: Yes.

Mrs. King: I should like to offer in evidence this copy of the letter from Commissioner MacCormack upon the ground that it contains statements tending to contradict the testimony of the witness, Honig, with reference to the disaffiliation of the Trade Union Unity League from the Red International of Labor Unions, which we believe to be an important question in this case. [4801]

As your Honor knows, and I think as the Immigration Service will concede, the stenographic minutes of the hearing before Justice Edward J. McGoldrich, in Special Term, Part V, Supreme Court, on October 6, 1933, have been destroyed so that we do not have the minutes of that hearing.

This is the only available evidence of what was said by Mr. Honig at that trial.

In the letter Commissioner MacCormack says the following:

"With reference to the Trade Union Unity League and its former connection with the Red International labor unions, we have sworn state-

ments in our files as to the motion adopted at a meeting of that organization in New York City on July 1, 1933 'to discontinue and sever the then existing affiliation with the Red International of Labor Unions, an international organization of trade unions, of the said Trade Union Unity League and of all its constituent parts and associated organizations.' It appears that testimony to the same effect was given by Nathaniel Honig, then editor of 'Labor Unity', in the case of Chatham Shoe Company v. Shoe Workers Industrial Union at the trial had before Mr. Justice Edward J. McGoldrich in Special Term, Part V, Supreme Court, on October 6, 1933."

At the hearing in this case, under date of April 22, 1941, Nat, or Nathaniel Honig, testified there had been no such disaffiliation and all that had happened was that the affiliation was dropped off the letterhead. But he stated most positively [4802] that there had been no disaffiliation. We believe that this contradicts his testimony, and his testimony in an important issue of which he had personal knowledge because of his connection with the Trade Union Unity League, he being then the editor of its paper, Labor Unity, and as going to the credibility of Nat Honig, we believe that this letter is admissible and we offer it in evidence.

Mr. Del Guercio: If your Honor please, I assume that Mrs. King was not arguing in support of her motion to admit the letter.

Presiding Inspector: She may have it marked for identification at this time.

(The copy of letter referred to was thereupon marked for identification as Alien's Exhibit No. 25.)

**ALIEN'S EXHIBIT No. 25
FOR IDENTIFICATION**

**U. S. Department of Labor
Immigration and Naturalization Service
Washington**

December 19, 1934.

**Mr. George O. Brisbois,
Chief of Police,
Phoenix, Arizona.**

My dear Mr. Brisbois:

Thank you for your interest in writing me your letter of November 18, 1934.

The situation in Phoenix has caused us much concern, and we already have a representative of the Department making investigations in Arizona and are assigning a specially qualified man to study the set-up of the organizations concerning which there has been the charge that their principles are such as to bring them within the scope of the immigration acts.

With reference to the Trade Union Unity League and its former connection with the Red International labor unions, we have sworn statements in our files as to the motion adopted at a meeting of that organization in New York City on July 1, 1933 "to discontinue and sever the then existing affiliation with the Red International of Labor

Unions, an international organization of trade unions, of the said Trade Union Unity League and of all its constituent parts and associated organizations." It appears that testimony to the same effect was given by Nathaniel Honig, then editor of "Labor Unity", in the case of Chatham Shoe Company v. Shoe Workers Industrial Union at the trial had before Mr. Justice Edward J. McGoldrich in Special Term, Part V, Supreme Court, on October 6, 1933.

We appreciate your interest and cooperation and hope that, in the event you discover evidence which will permit proceedings under the immigration act, you will be good enough to communicate with the local officials of the Immigration and Naturalization Service or to advise me directly.

Very truly yours,

D. W. MacCormack

D. W. MacCORMACK

Mr. Del Guercio: We object to this letter for a number of reasons. We don't, of course, attack the authenticity of the document as such. That has been admitted by the Major. But we object to its introduction for the reason that it is not evidence of anything. It doesn't contradict, or appear to contradict anything that Mr. Honig has testified to in this trial.

Mrs. King has quoted a portion of this letter as follows:

"With reference to the Trade Union Unity League and its former connection with the Red International Labor unions, we have sworn statements in our files as to the motion adopted at a meeting of that organization in New York City on July 1, 1933 [4803] 'to discontinue and sever the then existing affiliation with the Red International of Labor Unions, an international organization of Trade Unions, of the said Trade Union Unity League and of all its constituent parts and associated organizations.' "

And then follows this:

"It appears that testimony to the same effect was given by Nathaniel Honig."

To the same effect as what? To the effect that a resolution had been passed.

Now, your Honor, I don't believe that counsel here would contend, or are contending, or propose to offer evidence that the Trade Union Unity League at any time actually disassociated, disaffiliated, as counsel said, itself from the Red International of Labor Unions. There is, however, positive testimony in this record, uncontroverted, that the Trade Union Unity League never did disassociate itself from the Red International of Trade Unions.

Now, Mrs. King has spoken of the manner in which this document was written, or some connection with it.

We are informed that the late Mr. MacCormack only had before him information. I believe he had a letter from Roger Baldwin to the effect that Roger Baldwin had received a telegram from Jack

Stachel to the effect that a motion had been made, or a resolution had been adopted, severing affiliations.

Now, the Court knows who Jack Strachel is. There is [4804] evidence in this record to show that he occupied, and still occupies, a high position in the Communist Party. He was a member, and had been a member, and probably still is a member of the highest Communist Committee here in this country, the Politbureau, Political Committee of the Communist Party of the U. S. A..

As the Major has told the Court, there are no sworn statements of any kind in the Immigration files; and while the deceased MacCormack speaks of sworn statements in our files he may have said that inadvertantly and meant they had information in the files.

So, for those reasons, I object to the introduction of this letter in evidence.

Mrs. King: If your Honor please, I believe in the first place, with reference to what Mr. Del Guercio says about our not being prepared to prove this disaffiliation, I doubt very much whether it, being a collateral matter, would be admissible in any event. I believe that everything that Mr. Del Guercio says may have to do with the weight of this evidence, but not of the question of its admissibility.

You have here a letter in which the highest official in the Immigration Service, short of the Secretary, states that he had certain things before him,

and there is an assumption that those things were then before him.

I think that everybody who has had to do with the Immigration [4805] Service knows that the files of that office are extremely complicated. It is quite possible that sworn statements which were then before Commissioner MacCormack are not now available, without throwing any doubt on the fact that they were, and that Commissioner MacCormack had them at the time this letter was written.

Furthermore, with specific reference to the testimony of Mr. Honig, there is nothing else to show what he testified to. These sworn statements may very well have contained evidence of that, but here is a man high in the Immigration Service, in the very Government Department that is prosecuting this case, that makes a statement with reference to what Mr. Honig testified to. And it seems to me that after his death we are not in a position to say what he acted upon particularly when all of those things are not before me. This is the nearest thing we have to proving what Mr. Honig said at that trial, and it is in conflict with his testimony at this hearing.

We believe, on the question of his credibility and even, if there is any question of the admissibility of it, the problem of disaffiliation, that it is admissible on both of those grounds. But I don't believe that the question of disaffiliation is before your Honor. I think what your Honor is interested in is the credibility of the witness Honig. I don't see how, in view of the state of the record, in

view of the fact that these stenographic minutes have been destroyed, and where you [4806] have a man of Colonel MacCormack's position making a statement of this kind, you can doubt that there was testimony of that kind before him, or evidence of that testimony which satisfied him as to what Mr. Honig testified to in the Chatham Shoe case.

Presiding Inspector: I will ask for the sworn statement first.

Of course, I couldn't receive the letter in that respect because that is entirely indefinite and unsatisfactory.

As to the statement that Mr. Honig testified in some certain way, that must be on information because we can't suppose that Colonel MacCormack was present at the trial in New York. There is no evidence of that kind. So it is a matter of information that he received which he undoubtedly believed. But that, I think, is far from proving that the testimony of Mr. Honig, as given, was to the effect that he there states. Consequently, I regretfully reject the offer of this letter but it may be marked for identification so you will have the benefit of the offer.

Mrs. King: Now, if your Honor please—

Mr. Del Guercio: (Interposing) May we have a five-minute recess? The Major is going away tonight and I want to consult with him.

Mrs. King: As far as we are concerned, and the fact that we have no other witnesses present, we are willing to adjourn for the day. [4807]

Presiding Inspector: I think the Major wants to, perhaps, come back.

We will take a recess.

Major Schofield: For about five minutes.

Presiding Inspector: Yes. We will take a five-minute recess.

(Whereupon a short recess was taken.)

Mr. Del Guercio: If the Court please, information has already been furnished you that Major Schofield must leave for Washington tonight. We would like to put the Major on the stand as a witness at this time.

Presiding Inspector: Very well. This is what they reserved, do you remember?

Mr. Gladstein: Well,—

Presiding Inspector: (Interposing) They reserved the introduction of testimony of Major Schofield.

Mr. Gladstein: Well, your Honor, I assume that we would have the right to cross examine, of course.

Presiding Inspector: Oh, yes.

Mr. Gladstein: And I don't have a notebook containing some notes on which I would want to cross examine.

Presiding Inspector: Send for it.

Mr. Gladstein: I will send for it, yes.

LEMUEL B. SCHOFIELD

called as a witness on behalf of the Government, being first duly sworn, was examined and testified as follows: [4808]

Direct Examination

By Mr. Del Guercio:

Q. Will you state your name, please.

A. Lemuel B. Schofield.

Q. And what is your occupation at the present time?

A. I am Special Assistant to the Attorney General in charge of the Immigration and Naturalization Service.

Presiding Inspector: And your address?

The Witness: Washington, D. C., Department of Justice.

Q. Now, Mr. Schofield, were you in San Francisco on April 22, 1941? A. I was.

Q. And did you at any time on that day—were you at any time on that day present at the time that James O'Neil was present? A. I was.

Q. And where was that?

A. It was in an office building, I think the number is 111 Sutter Street, San Francisco.

Q. Is that in the office of the FBI?

A. It was.

Q. And who else was present?

A. Mr. E. J. Connelley, Assistant Director of the Federal Bureau of Investigation; a Federal Bureau of Investigation Agent by the name of Michael Cassidy; yourself, Mr. Del Guercio, and myself.

[4809]

(Testimony of Lemuel B. Schofield.)

Q. And was Mr. O'Neil there? A. O'Neil.

Q. Did you have any conversation with Mr. O'Neil that night? A. I did.

Q. Did the rest of those present have any conversation in your presence with Mr. O'Neil?

A. Yes. You and I, I think, asked most of the questions and conducted most of the conversation. There were, as I recall it, some questions and some statements made by Cassidy. I don't recall that Mr. Connelley said anything. And, of course, O'Neil made statements.

Q. Will you state what Mr. O'Neil said that night at that time and place? What was the conversation?

A. He was asked whether he had been a Communist and stated he had been a member of the Communist Party and had been active in its behalf here in San Francisco. He was asked whether or not Harry Bridges was a member of the Communist Party, and he said he was. He then said and volunteered this: That he, O'Neil, so far as he knew, was the only man who had visual evidence of the fact that Bridges was a Communist. We asked him what he meant by that, and he said that on one occasion he had actually seen Bridges pasting dues stamps in Bridges' membership book in the Communist Party.

Mr. Gladstein: I move to strike that answer upon the ground that this is impeachment of their own witness, your [4810] Honor.

-Presiding Inspector: I will take it. I think

(Testimony of Lemuel B. Schofield.)

they may impeach their own witness. Of course, it isn't original proof of the matter.

Mr. Del Guercio: If your Honor please, it isn't only exactly on that line, but you will recall that O'Neil testified that what he had said that night at that time and place to Mr. Schofield and myself, Mr. Connelley and Mr. Cassidy, was true and correct.

Presiding Inspector: I remember that. I will take it.

By Mr. Del Guercio:

Q. Do you recall any other statement?

Presiding Inspector: It gets into a web of statement and contradiction, of course, but I will take it.

The Witness: What was the question?

(The question referred to was read by the reporter as above recorded.)

A. Yes. I recall that you said to him, and I also recall that I said to him, that we wanted only the truth and was he prepared to tell the truth. And he said, Yes, he was, and that what he had told us was the truth.

Q. Do you know if—

A. (Interposing) Then he was asked whether or not he would testify, and he said he would not testify. You pointed out to him that as an American citizen it was his duty to tell the truth, and we asked him why he wouldn't testify and he said that [4811] he was afraid of losing his job. he had described obtaining and how he had obtained a position as broadcaster for a radio station. As I

(Testimony of Lemuel B. Schofield.)

recall it, I think it was located in a place called Marysville, California.

Q. Did he say anything as to how close he and Bridges had been?

A. He said that he didn't want to testify because he had been Bridges' friend, was still his friend and, in fact, had been asked by Bridges to head the Bridges Defense Committee.

Q. And did he also make any statements as to what would result in the event he did appear to testify?

Mr. Gladstein: Could I suggest that the witness not be led but be asked to give the conversation?

Presiding Inspector: Yes, I think that is so.

A. Well, he said that he would be known as an enemy of labor if he testified against Bridges and that he would lose all his friends in the labor movement and the labor crowd, and he wouldn't be able to live in San Francisco if he testified against Bridges. I remember that I asked him, I said, "Are you afraid?" He said, "No, I am not afraid, but I just won't testify against Bridges".

Q. Do you recall any other conversation with Mr. O'Neil at that meeting?

A. That is all that I can think of at the moment. After the meeting, oh, I do recall this, too: That it was ex- [4812] plained to him that he would be subpoenaed and, as I recall it, the subpoena was served on him then and there. And he then said that he wouldn't honor the subpoena and respond to it, and then it was explained to him—I took part

(Testimony of Lemuel B. Schofield.)

in this explanation—that if he failed to answer that subpoena we would, of course, under our duty be obliged to ask the Court to subpoena him and a subpoena would be served by a Deputy Marshal. And we pointed out to him the risks he ran if he failed to answer and respond to that kind of a subpoena. He then said that he didn't think that he would testify anyway or answer any subpoena, but he would make up his mind what he was going to do. And he also said that if we forced him to testify we "would be sorry", as he put it.

Q. Now, Major, did anyone in that room at any time threaten or intimidate or coerce James O'Neil?

A. Not in any way.

Mr. Del Guercio: You may cross examine.

Cross Examination

By Mr. Gladstein:

Q. Major, how many times have you seen Mr. O'Neil?

A. Except seeing him in Court on the attachment proceedings, I believe that's the only time I ever saw him.

Q. That is the only time you ever had a meeting in which there was a discussion?

A. That was. [4813]

Q. What day of the week was it, do you recall?

A. I think it was Tuesday, the 22nd of April.

Q. And what time did the meeting begin?

A. Well, Mr. Del Guercio and I went there, as I recall it, around 5:30. I know it was after the completion of the afternoon hearings here, and I

(Testimony of Lemuel B. Schofield.)

believe O'Neil got there somewhere shortly before 7:00 o'clock.

Q. And how long were you and Mr. O'Neil together with the others in that room?

A. It would be hard for me to state exactly, but I would say approximately three-quarters of an hour; maybe a little longer.

Q. When was the subpoena served on him?

A. During that meeting while he was in the room.

Q. What did the subpoena require him to do?

A. I think it required him to appear the following morning, though I won't be certain about that.

Q. Where? A. In this proceeding here.

Q. Did you see the subpoena?

A. I didn't.

Q. Then you don't know where it required him to appear, do you?

A. No, but it was discussed.

Q. What was the discussion on that? [4814]

A. I don't recall the discussion beyond it was a subpoena, an Immigration Service subpoena.

Q. Wasn't it a subpoena to require him to appear at 111 Sutter Street?

A. No, it was not; not that I know of.

Q. You really don't know, do you?

A. I am not certain, and I said so.

Q. What was Mr. O'Neil's condition as to sobriety?

A. Well, he was perfectly sober as far as I could tell.

(Testimony of Lemuel B. Schofield.)

Q. How close did you get to him?

A. Oh, after the meeting was over I talked with him a few minutes. Not a few minutes. I would say really a few seconds.

Q. Where?

A. In a little passageway. It was the vestibule, you might say, from the inner office out to the outer office.

Q. Is that when you told him something about helping him out on his job?

A. I told him that on two occasions. I told him that first in the room in the presence of the others, and I repeated it when I said "good-bye" to him, in that little room, in that little corridor.

Q. Were you and he alone then?

A. Yes. It lasted probably about a half a minute or maybe three-quarters of a minute, and I was as close to him as [4815] I am—closer to him than to the stenographer, and I smelled no liquor on him. He might have had some, but he didn't look like that or act like that.

Q. Did you see that evening either of the Inspectors or FBI Agents, whichever they were, who brought Mr. O'Neil down from Marysville?

A. He entered the room with Cassidy and he was very friendly with Cassidy.

Q. I didn't ask you whether he was friendly with Cassidy.

A. No, but that's how I remember it.

Q. I wanted to know—

A. (Interposing) I got the impression that Cassidy had come with him from someplace. Where

(Testimony of Lemuel B. Schofield:)

it was I don't know, and who the other agent was, if there was an agent, I don't know.

Q. Did it appear to you at that time that Mr. O'Neil had been drinking?

A. No, it did not.

Q. Now, what precisely is your position in the Department?

A. I am an Special Assistant to the Attorney General in charge of the Immigration and Naturalization Service.

Q. Well, specifically with reference to the Immigration Service you are in charge of it, are you?

A. That is correct. [4816]

Q. Could you describe in a general way what that entails as to your duties or authority?

A. Well, the office of Commissioner of Immigration is vacant and I am filling that position.

Q. In effect, therefore, you are the Acting Commissioner, although you don't have that exact title?

A. I would say that is a correct statement.

Q. What would you say in general is the authority of the Commissioner?

A. Well, in what respect? That is a pretty broad question.

Q. Let us take with reference to deportation cases. What are the duties and what is the authority of the Commissioner with respect to deportation cases?

Mr. Del Guercio: Your Honor, I will object to this line of questioning here and I don't think it is material or relevant.

(Testimony of Lemuel B. Schofield.)

Presiding Inspector: Does this call for a statement of the statutes of the United States?

Mr. Gladstein: I don't think so. I am asking simply for—I am not sure that it is covered by a statute. I don't know.

Mr. Del Guercio: The Commissioner of Immigration and Naturalization, if your Honor please, derives his authority from the statute and, of course, that would be authorized under the rules.

[4817]

Mr. Gladstein: If he can answer the question by referring to a statute he may do so, of course, but I am asking him for a general statement of the duties and authority of the position that he is now filling as Acting Commissioner.

Presiding Inspector: I don't think that is a proper question, but if the Major will answer it it will expedite the proceedings.

A. I don't know whether I can answer it, but I will make an attempt.

The authority that I have is derived from the statutes and also from the Attorney General.

By Mr. Gladstein:

Q. What is that authority?

A. I would say, to describe it generally with respect to deportation, you ask?

Q. Yes.

A. It is to supervise the issuing of warrants of arrest and deportation and, in a general way, supervise the hearings and take jurisdiction over those

(Testimony of Lemuel B. Schofield.)

who conduct the hearings and determine through subordinates the propriety of issuing warrants of deportation after the Attorney General or those delegated by the Attorney General has decided that on the evidence an order of deportation should issue, and then under my jurisdiction comes the carrying out of the order of deportation. [4818]

Q. To what extent, if any, does your position involve you in the determination of a deportation proceeding?

A. Well, I don't know what you mean by "determination". You mean of the final decision?

Q. Well, of any part of the decision or any decision during the course of the proceedings or at any stage of it?

A. I would say the prosecution of the case, comes exclusively under my jurisdiction subject, of course, to the Attorney General, who is my superior.

Q. Yes.

A. But after the case has been finished and it is reported, it goes before the Board of Immigration Appeals, which is not under my jurisdiction; and then from the Board it goes to the Attorney General.

Q. Well now, in your position as Special Assistant to the Attorney General is it or is it not the fact that you may be called on by the Attorney General to give your recommendations or your views with respect to a particular case?

A. Oh, he could. It isn't customary, but he could.

(Testimony of Lemuel B. Schofield.)

Q. And, therefore, it is possible that the Attorney General of this country may call on you for your views or your opinions with respect to whether or not there should be a deportation order issued against Harry Bridges?

A. Well, he might. But if he didn't I would think it my duty to give him my views. [4819]

Q. I see. And you have pretty definite views on this matter, don't you, Major?

A. I do, based upon the evidence that I have examined and testimony that I have heard and the results of the investigation that has been made.

Q. You have pretty definite views against Mr. Bridges along this line, too, don't you, Major? That you have expressed yourself before a Congressional Committee in the United States Government to the effect that you are of the positive conviction that Bridges and his counsel intended by their request to obtain the names of Government witnesses or statements of Government witnesses, that they intended to obtain such information as might be given them for the purpose of fabricating a defense, haven't you?

A. I don't recall that.

Mr. Del Guercio: I object.

Presiding Inspector: I will allow it.

A. (Continuing): I don't recall that I testified before a Congressional Committee to that effect. I might have. It is my belief. [4820]

(Testimony of Lemuel B. Schofield.)

By Mr. Gladstein:

Q. Didn't you know that you expressed that belief? A. I think I have.

Q. Do you know where you have expressed it?

A. I don't recall every place. I don't know as I have expressed it more than once or twice.

Q. Do you recall any Committee in Washington before which you expressed it?

A. I frankly don't. I might have if I were asked.

Q. Do you recall testifying recently before a Sub-Committee of the Committee on Judiciary of the United States Senate? A. I do.

Q. Do you recall that you were being asked your views as to the advisability of adopting certain then pending bills? A. I do.

Q. Do you recall expressing your views as to certain provisions in those bills? A. I do.

Q. And do you recall that you, without any request from any of the members of the Committee, adverted to the Bridges case and made certain references in which you expounded your views?

A. I might have used the request made by counsel for Bridges for permission to examine all our evidence prior to [4821] the hearing as an illustration of the futility of adopting such a method of procedure in administrative hearings.

Q. That is, you chose to speak about the Bridges case without any reference having been made therefore to it by any of the members of the Committee

(Testimony of Lemuel B. Schofield.)

to serve as an illustration of your general views on the subject matter of the bills concerning which you were testifying, correct?

A. No. I don't recall just how that incident occurred, if it did occur. It might have occurred. I remember I was called upon to testify there, asked to testify, on how the three proposed bills, setting up what you might call a Code of Administrative Procedure, would affect the Immigration and Naturalization Service.

Mr. Gladstein: Now, your Honor, I have sent for, but it has not yet arrived, some material that is in my office, and I believe it is probably on the way now. With the exception of some further questions on the basis of that material I do not think that I have any other questions of Major Schofield.

I am wondering whether it would be satisfactory to you, and with the witness, to recess temporarily until that material reaches me.

I have asked that it be sent by taxi.

Presiding Inspector: How far away is it?

Mr. Gladstein: My office is not far away, about five minutes or ten minutes by taxi. But the young man had to go [4822] there with a key and also come back.

Presiding Inspector: It ought to be here very soon?

Mr. Gladstein: I think so.

Presiding Inspector: Well, we will recess for a moment. Let me know when it arrives.

(Whereupon a short recess was taken.)

(Testimony of Lemuel B. Schofield.)

Presiding Inspector: You may proceed.

By Mr. Gladstein:

Q. Now, Major, Senator O'Mahoney was one of the members of the Sub-Committee before which you testified, isn't that true? A. He was.

Q. How is it pronounced, O'Mahoney? (Giving pronunciation). A. I believe it is.

Q. And that testimony was given on May 2, of this year?

A. I wouldn't be sure of the date.

Q. Now, do you recall Senator O'Mahoney asking you in these words, or in substance, the following question:

"In the case of deportation proceedings, for example, the issue is probably rather clear, is it not?"

A. I don't remember that specific question, but I have no doubt that something like that was asked.

Q. And your answer was, Major:

"I think so."

A. It may have been.

Mr. Del Guercio: Does counsel purport to have the [4823] questions and answers asked before the Sub-Committee? I think if he does, he should show them to the Major here.

Mr. Gladstein: I don't know—this is to refresh his recollection—and anyway it doesn't purport to be official. I don't know whether the Major has ever seen this.

Presiding Inspector: Go ahead.

(Testimony of Lemuel B. Schofield.)

By Mr. Gladstein:

Q. Do you recall Senator O'Mahoney asking you this:

"Now, then, what right—under your procedure now—has a person in such a proceeding, to go over the record and files?"

Mr. Del Guercio: If your Honor please, is this for impeachment or what?

Mr. Gladstein: This is cross examination.

Presiding Inspector: That is to show bias.

Mr. Gladstein: It is, your Honor.

Presiding Inspector: I will take it for that purpose. That is leading to something.

A. I think a question of that kind was asked of me.

By Mr. Gladstein:

Q. And your answer, Major Schofield, was:

"None at all." A. Yes.

Q. And then Senator O'Mahoney asked you:

"What notice does he have of the issue?" [4824]

Didn't he ask you that?

A. I think that was asked and I told him that he got the notice through the warrant.

Q. As a matter of fact, your answer was in the following words, was it not:

"He is served with a warrant, just as in any other proceeding, based upon a warrant, and the warrant must be specific in its allegations, and he is therefore put on notice, and then a time is fixed for the

(Testimony of Lemuel B. Schofield.)

hearing, and the witnesses must then be present, and he must be confronted with them, and he has a right to question them and to cross examine them.

“Now, that same issue was recently raised in San Francisco, from where I have just returned in the Bridges case.

“As a matter of fact, the alien in that proceeding made an application before the hearing opened—he made an application to Judge Sears, the special immigrant inspector, who was presiding in the case here in Washington, for permission to have access to all of our file, all of our investigation, every statement made by every witness, taken either by the Federal Bureau of Investigation or by our service, thus to be put on notice in advance, not only of the nature of the charges against him—which is all anybody under our system of Government is entitled to—but, in addition to that, to all the evidence that we had so that, ostensibly, they could meet what they allege to be framed-up evidence.” [4825]

Did you give that answer?

A. If you are reading from the official transcript I would say “Yes.” It sounds the way I recollect that I answered the question.

Q. And Senator O'Mahoney then asked you:

“Was that request of Bridges denied?”

Didn't he ask you that?

A. I think he did.

Mr. Del Guercio: May I ask if counsel purports to read from the official record?

Mr. Gladstein: I can't say that this is official. If

(Testimony of Lemuel B. Schofield.)

the Major wishes he can say that in substance he did or did not answer as this appears.

Presiding Inspector: I will allow it. It doesn't make any difference whether it is official or not.

By Mr. Gladstein:

Q. Did you, Major, answer in these words:

"It was refused. A. Yes.

Q. Did Senator O'Mahoney then ask you:

"Then I take it to be your testimony that, if this provision contained in Section 306 of S-674 were the law now—"

At which point you, Major Schofield, interrupted to say:

"You would have to do it."

Is that correct? [4826]

A. That is a little confusing to me by what you mean by that. The point is that there was a provision in one of these three proposed bills which, in every Administrative hearing, not only in our service, but the Interstate Commerce Commission, and every other type of Administrative Hearing, would require the Government to, upon request, give to the other side, whatever it might be—in our case the Alien in a deportation case—complete access to every bit of information that the Government had, including a right to go through the records and the file. I opposed that.

Q. And then didn't Senator Mahoney ask you this:

"Mr. Bridges would be entitled to go into all the files of the F.B.I., and of your bureau, the Départ-

(Testimony of Lemuel B. Schofield.)

ment of Justice, to search out anything that might seem to him to have a bearing on his case?"

A. I know there was a question like that asked and I recall I said this was too broad; he wouldn't have the right to *go the* whole file, but under the provision of the proposed legislation he would have the right to be informed of all the information that the Service had in connection with his case.

Q. And your answer was then substantially this, was it not, Major.

"Well, Senator, I wouldn't go quite that far. I don't think he would have the right to go through all the files to find out what he thought pertained to him, but I do think it would place [4827] a duty upon us to supply him with information in the form of copies of statements or whatever form it could be agreed upon that it should be done."

A. That is substantially what I said.

Q. And then the Senator asked you:

"But this says, 'shall have access to the file or record of information upon which the agency has acted—and shall be notified of such right before the record is closed or informal or tentative decision is made.'"

Didn't he ask that?

A. I don't remember it. I suppose he did.

Q. Don't you remember saying:

"Well, sir, it is bad enough, if that is interpreted merely to mean that he shall have the right to information, but it would be a monstrous suggestion,

(Testimony of Lemuel B. Schofield.)

if you were to say that an alien could go through all your files, physically."

"Now, in the Bridges case, that same motion was renewed at the hearing itself in San Francisco."

Did you say that?

A. I wouldn't be sure, but I think I referred to the motion that was first made in Washington and repeated here.

Q. Didn't Senator O'Mahoney ask you this:

"What was the disposition of the motion then?"

A. I think he did.

Q. Didn't you say this:

"Major Schofield: It was again refused. At that time [4828] the hearing judge—Judge Sears—suggested, because of the precedent in the first hearing, in which the hearing commissioner rather surprisingly had requested the Secretary of Labor to hand over to Mr. Bridges' counsel, and to the alien, all of their statements, and all of their records having to do with the evidence against him, which was done, and, because of that precedent, Judge Sears requested me to take up with the Attorney General the request that had been made, although he, himself, refused to make any such order, but requested me to take it up to the Attorney General, which I did, and the Attorney General left it to the discretion of the hearing inspector—that is, our officer who was presenting the case—and myself, and we promptly refused the request. The request was made ostensibly to enable the alien to investigate in advance the witnesses who were to be called against him to check on

(Testimony of Lemuel B. Schofield.)

the statements in an effort to bolster their contention that the evidence was in large respect untrustworthy and manufactured. We are positively convinced that the real purpose was for the alien to concoct false alibis, false testimony, and endeavor falsely and corruptly to meet the evidence that was fairly presented against him. Now, to permit such a thing by elective enactment, to my mind would be ruinous to any successful enforcement of the deportation statutes, and yet this provision, it seems to me, would compel it. I am only using that as an illustration but it isn't only in an important case like that——"

[4829]

At which point there was an interruption.

Do you remember giving that answer?

A. I wouldn't say I gave it word for word, but that, in substance, is what I said; and I said it because I believed it, and because of the experience in the first case, and because of intimidation of Government witnesses, and the efforts made to prevent witnesses to testify.

Q. Did I understand you to say "Intimidation of Government witnesses?"

A. Prospective Government witnesses.

Q. For this or the last case? A. Both.

Q. Do you have any in mind?

A. I wouldn't be specific as to details but I know the great difficulty that the Government has encountered in obtaining witnesses who were willing and not afraid to testify.

Q. Please state one example, name one person

(Testimony of Lemuel B. Schofield.)

who was a prospective Government witness who was intimidated by the defense?

A. I don't carry those details sufficiently in my mind, Mr. Gladstein, to give you specific cases. But I know the difficulty that Mr. Del Guercio and the prosecution has been up against.

Q. Well, now, I am not interested in difficulties. I am interested in this intimidation on the part of defense counsel [4830] of prospective Government witnesses. Do I understand that you are unable to give me a single example?

A. I won't give you names because I won't trust my memory. In fact, I didn't try to remember the names.

Q. Do you have any objection to my request, which I am now making, that you consult your records—and I don't want you to be required to stay over for this if it will take long, but it is perfectly all right with me if you authorize Mr. Del Guercio to take this matter up and testify, or anybody else—but I am interested in knowing whether you will supply from the witness stand any instance of a person that you claim as a prospective Government witness who was intimidated by the defense, either in this case or in the last case.

Mr. Del Guercio: If your Honor please, in the first place it is not a question. It is argumentative. In the second place, as counsel knows, and as the witness has indicated here, his testimony is based upon what I told him and what others have told him, and everybody else has told him.

(Testimony of Lemuel B. Schofield.)

Presiding Inspector: Well, if the witness wants to answer this request he may do so. Of course, I have no control over such a request as that.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. What is your answer to the request?

A. My answer would be that I wouldn't do it if I did know [4831] it.

Q. Then you really—

A. (Interposing): The case is not clear yet, Mr. Gladstein.

Q. No, I understand. But you really don't have of your own knowledge—you don't know of your own knowledge any single case, do you?

A. I haven't talked to more than, I think, two witnesses who testified here, or prospective witnesses. So I wouldn't know of my own knowledge. I mean, even to that extent, that they had told me.

Q. Well, then, your statement a few moments ago concerning intimidation by the Defense, not only in the present case but in the prior Bridges case, was a statement which you are making solely on the basis of hearsay? Correct?

A. Well, if you'll look at the answer that you say I gave I said that I was convinced. And I am convinced.

Q. Well, I am afraid that isn't a responsive answer, Major. Could you say in answer to my question whether your statements in the case now that you have just made under oath regarding intimidation by the defense against potential Government

(Testimony of Lemuel B. Schofield.)

witnesses, both in this proceeding against Mr. Bridges and in the proceeding two years ago, whether or not that testimony of yours was based putely on hearsay?

A. But my testimony only had to do with my belief. Now, [4832] my belief I have arrived, at first of all, with respect to the first hearing by what I've read in the record and—I mean, I have got my whole appraisal of that hearing from hearsay and from reports, of course. I wasn't even connected with the Department then.

Q. Including, I take it, the decision of Dean Landis?

A. Yes. I have read that, all of it.

Q. Now, Major, when you testified before the Sub Committee to the effect that the Hearing Commissioner in the first case—incidentally, I take it you were referring to Dean Landis? A. Yes.

Q. When you said that he “rather surprisingly had requested the Secretary of Labor to hand over to Mr. Bridges’ counsel, and to the Alien, all of their statements, and all of their records having to do with the evidence against him, which was done. . . .” were you saying that of your own knowledge?

Mr. Del Guercio: If your Honor please, I object to the manner of counsel conducting himself and the manner of his reading.

Presiding Inspector: I can't control—

Mr. Del Guercio: (Interposing): No, I realize you can't control it.

(Testimony of Lemuel B. Schofield.)

Presiding Inspector: I will let the question be asked.

A. Why, of course not. I have nothing to do with that. [4833]

By Mr. Gladstein:

Q. Then why did you testify under oath that such a thing had been done when you didn't know it?

A. Well, because I know it was done from the record. But you say whether I know it "from my own knowledge". In fact, I heard you and Mrs. King state that to the Court here.

Q. State what, please?

A. That Dean Landis had requested the then Secretary of Labor to furnish Counsel for the Alien in advance information as to what the nature of the testimony was; copies of statements, as I recall it.

Q. Well, now, Major, isn't it a fact that in the first Bridges hearing it is not true that all of the statements and all of the records having to do with the evidence against Harry Bridges was handed over by the Secretary of Labor to Mr. Bridges' counsel?

A. Well, I don't know that I said "Handed over." I am not sure. If you tell me that that is a transcript I wouldn't deny the accuracy of the reporter and I certainly didn't mean that the whole thing was physically handed over in that sense. But I mean information as to the testimony, as I understand it, was furnished the Alien in the other case in contrast to this hearing.

Q. Now, you said that you had read the Landis opinion. Before I ask you the next question on this

(Testimony of Lemuel B. Schofield.)

same subject matter, I want to refer you to a portion of it which begins on page 4 of [4834] the Landis decision under the subdivision entitled "Production of Documents."

Mr. Myron: We object to that, your Honor. What is the purpose of the reference to the Landis decision?

Mr. Gladstein: It is the basis of the next question.

Mr. Myron: I think we should have the purpose of the reference. He is claiming he is referring to a decision of Landis.

Presiding Inspector: I will allow him to refer to this opinion of Dean Landis. Go on.

Mr. Gladstein: I am quoting now, Major.

Presiding Inspector: You haven't got to the question yet.

By Mr. Gladstein:

Q. "Two circumstances in this connection deserve comment. The first relates to a series of requests made by the alien for the the production of certain documentary evidence in the possession of the Government. This evidence consisted either of affidavits of witnesses taken before immigration officials—witnesses who were later called to the stand—or of correspondence between officials of the Department of Labor stating facts that tended to impeach the testimony of witnesses called by the Government. This evidence was sought purely to impeach testimony already given by witnesses for the Government. Obviously the examiner as a subordinate official of the Department of Labor could not is-

(Testimony of Lemuel B. Schofield.)

sue compulsory process for the production of documentary evidence within the possession of the Department. Counsel [4835] for the Government claiming to be bound by Department regulations, refused in each instance to produce the evidence requested even though it was then in their possession.

"The first of these requests was granted by the secretary. Thereafter to afford greater expedition the examiner was empowered to refuse or grant any such request that might be made. Some requests of this character were denied, others were granted, the basis of decision in each case being the relevancy of the documentary evidence requested."

Now, in the light of that statement, Major, aren't you able now to say that the testimony that you gave before the Sub-Committee of the Committee on Judiciary was not accurate?

A. No, I wouldn't say so at all.

Mr. Del Guercio: That is not so and counsel here is purposely doing it. He knows what was in mind.

Presiding Inspector: He has answered the question.

Mr. Del Guercio: Well, I am making an objection to it.

Presiding Inspector: The witness has already said that he would not say so.

By Mr. Gladstein:

Q. Then I understand, do I Major, that you see no inconsistency between the portion of the Landis opinion which I read to you and your answer, which has previously been read to you and which you

(Testimony of Lemuel B. Schofield.)

recognized in substance as correct, your answer given to a question before the Sub-Committee of the [4836] Committee on Judiciary? Correct?

A. No, I don't, Mr. Gladstein, for this reason: I was making a general statement. For instance, I don't recall that I said anything about "correspondence" at all in that answer. I don't think the word is used.

Q. I haven't used the word "correspondence".

A. No, but Dean Landis did.

Presiding Inspector: Is that all, Mr. Gladstein?

Mr. Gladstein: I am just looking, your Honor.

By Mr. Gladstein:

Q. Major, do you consider it in accordance with the American tradition with respect to the judicial process for you, as the Chief of the Service, prosecuting this case, to play a role, give any view, express any opinion or exert any influence for the purpose of affecting the final decision of this case?

A. Well, I don't know what you mean by that. I think it is my duty, yes, or I wouldn't be doing it. I think it is my duty to do everything I can to see that the evidence is presented here to support my conviction that Harry Bridges is a Communist, is one of the leading Communists of the United States. Yes.

Q. And to exert every influence within your power upon the Attorney General or anyone else to secure a decision in accordance with that view?

A. Every legitimate influence, except that I wouldn't [4837] include the Attorney General, no.

(Testimony of Lemuel B. Schofield.)

I mean, I would prefer him to make up his own mind after he reads the record.

Q. But you would not bar yourself from expressing your views or exerting your influence in the making of that decision?

Mr. Del Guercio: If your Honor please,——

A. (Interposing): I wouldn't bar myself, you say?

By Mr. Gladstein:

Q. Yes.

A. No. I would regard it my duty to give him what I think the evidence shows.

Mr. Gladstein: I think that is all.

Presiding Inspector: That is all, Major.

Mr. Del Guercio: Just one question, your Honor.

Re-Direct Examination

By Mr. Del Guercio:

Q. Was there any conversation there in the corridor with O'Neil?

A. Yes. As I said a minute ago to Mr. Gladstein, that took probably a half a minute or three-quarters of a minute. To be accurate, I wouldn't say it took a minute. I simply said "Goodbye" to him and shook hands, "Goodbye" to him. And I asked him this. I said, "What is it that is really worrying you here, O'Neil? Is it your job in Marysville?" And he said, "Yes." And I said, "Well, you can trust us that we will do everything we can to see that you don't lose your job [4838] or that there is any other reprisal taken against you. I don't believe that any

(Testimony of Lemuel B. Schofield.)

employer would fire any man who came into court in response to a subpoena and testified to the truth." And I said, "Won't you think it over before you make up your mind?" And he said he would, and that was the end.

Mr. Del Guercio: That is all.

Re-Cross Examination

By Mr. Gladstein:

Q. Do you know, Major Schofield, that Mr. O'Neil was fired from his job before he ever took the witness stand here?

A. No, Mr. Gladstein. I didn't know it, but I read it in the newspaper that he said so on the stand.

Mr. Gladstein: That is all.

A. (Continuing): And I know that we had nothing to do with it.

Mrs. King: May I ask simply this? I don't care whether it is off the record or on the record: Whether that letter of Major MacCormack's was turned in to the reporter by Mr. Del Guercio?

Presiding Inspector: Yes. I think it is marked for identification.

(Witness excused.)

(Whereupon, at 4:45 o'clock p.m. an adjournment was taken until Thursday, May 22, 1941, at 10:00 o'clock A.M.) [4839]